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THE HISTORY OF ENGLAND.

VOL. II.

THE HISTORY OF ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION in 1688.

IN EIGHT VOLUMES.

By DAVID HUME, Esq;

VOL. II.

A NEW EDITION, with the AUTHOR's last CORRECTIONS and IMPROVEMENTS.

To which is prefixed,

A short ACCOUNT of his LIFE, written by himself.

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CONTENTS

OF THE

SECOND VOLUME.

CHAP. X.

RICHARD I.

The king's preparations for the crusade——Sets out on the crusade——Transactions in Sicily——King's arrival in Palestine——State of Palestine——Disorders in England——The king's heroic actions in Palestine————His return to Palestine————Captivity in Germany——War with France——The king's delivery——Return to England————War with France——Death——and character of the king——Miscellaneous transactions of this reign. Page 1

CHAP. XI.

JOHN.

Accession of the king——His marriage——War with France——Murder of Arthur, duke of Britanny——The king expelled from all the French provinces——The king's quarrel with the court of Rome——Cardinal Langton appointed archbishop of

of Canterbury——Interdict of the kingdom——Excommunication of the king——The king's submission to the pope——Discontents of the barons——Insurrection of the barons——Magna Charta——Renewal of the civil wars——Prince Lewis called over——Death——and character of the king. Page 39

APPENDIX II.

The FEUDAL and ANGLO-NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law——Its progress——Feudal government of England——The feudal parliament——The commons——Judicial power——Revenue of the crown——Commerce——The church——Civil Laws——Manners. 101

CHAP. XII.

HENRY III.

Settlement of the government——General pacification——Death of the protector——Some commotions——Hubert de Burgh displaced——The bishop of Winchester minister——King's partiality to foreigners——Grievances——Ecclesiastical grievances——Earl of Cornwal elected king of the Romans——Discontent of the barons——Simon de Mountfort earl of Leicester——Provisions of Oxford——Usurpation of the barons——Prince Edward

ward——Civil wars of the barons——Reference to the king of France——Renewal of the civil wars—— Battle of Lewes——Houſe of commons ——Battle of Eveſham and death of Leiceſter—— Settlement of the government——Death——and character of the king——Miſcellaneous tranſactions of this reign. Page 143

CHAP. XIII.

EDWARD I.

Civil adminiſtration of the king---Conqueſt of Wales ——Affairs of Scotland——Competitors for the crown of Scotland——Reference to Edward—— Homage of Scotland——Award of Edward in favour of Baliol——War with France——Digreſſion concerning the conſtitution of parliament—— War with Scotland----Scotland ſubdued——War with France——Diſſenſions with the clergy—— Arbitrary meaſures——Peace with France—— Revolt of Scotland---That kingdom again ſubdued ——again revolts——is again ſubdued——Robert Bruce——Third revolt of Scotland——Death— and character of the king——Miſcellaneous tranſactions of this reign. 232

CHAP. XIV.

EDWARD II.

Weakneſs of the king——His paſſion for favourites ——Piers Gavaſton——Diſcontent of the barons ——Murder of Gavaſton——War with Scotland

——*Battle of Bannockburn*——*Hugh le Despenser*——*Civil commotions*——*Execution of the earl of Lancaster*——*Conspiracy against the king*——*Insurrection*——*The king dethroned*——*Murdered*——*His character*——*Miscellaneous transactions in this reign.* Page 327

CHAP. XV.

EDWARD III.

War with Scotland——*Execution of the earl of Kent*——*Execution of Mortimer, earl of March*——*State of Scotland*——*War with that kingdom*——*King's claim to the crown of France*——*Preparations for war with France*——*War*——*Naval victory*——*Domestic disturbances*——*Affairs of Britanny*——*Renewal of the war with France*——*Invasion of France*——*Battle of Crecy*——*War with Scotland*——*Captivity of the king of Scots*——*Calais taken.* 371

CHAP. XVI.

Institution of the garter——*State of France*——*Battle of Poictiers*——*Captivity of the king of France*——*State of that kingdom*——*Invasion of France*——*Peace of Bretigni*——*State of France*——*Expedition into Castile*——*Rupture with France*——*Ill success of the English*——*Death of the prince of Wales*——*Death*——*and character of the king*——*Miscellaneous transactions in this reign.* 447

THE

THE HISTORY OF ENGLAND.

CHAP. X.

RICHARD I.

The king's preparations for the cruſade——Sets out on the cruſade——Tranſactions in Sicily——King's arrival in Paleſtine——State of Paleſtine——Diſorders in England——The king's heroic actions in Paleſtine——His return from Paleſtine——Captivity in Germany——War with France——The king's delivery——Return to England——War with France——Death——and character of the king——Miſcellaneous tranſactions of this reign.

THE compunction of Richard, for his undutiful behaviour towards his father, was durable, and influenced him in the choice of his miniſters and ſervants after his acceſſion. Thoſe who had ſeconded and favoured his rebellion, inſtead of meeting with that truſt and honour which they expected, were ſurprized

CHAP. X. 1189.

CHAP. X.

1189. to find, that they lay under disgrace with the new king, and were on all occasions hated and despised by him. The faithful ministers of Henry, who had vigorously opposed all the enterprizes of his sons, were received with open arms, and were continued in those offices which they had honourably discharged to their former master [a]. This prudent conduct might be the result of reflection; but in a prince, like Richard, so much guided by passion, and so little by policy, it was commonly ascribed to a principle still more virtuous and more honourable.

RICHARD, that he might make atonement to one parent for his breach of duty to the other, immediately sent orders for releasing the queen-dowager from the confinement in which she had long been detained; and he entrusted her with the government of England, till his arrival in that kingdom. His bounty to his brother John was rather profuse and imprudent. Besides bestowing on him the county of Mortaigne in Normandy, granting him a pension of four thousand marks a year, and marrying him to Avisa, the daughter of the earl of Gloucester, by whom he inherited all the possessions of that opulent family; he increased this appanage, which the late king had destined him, by other extensive grants and concessions. He conferred on him the whole estate of William Peverell, which had escheated to the crown: He put him in possession of eight castles, with all the forests and honours annexed to them: He delivered over to him no less than six earldoms, Cornwal, Devon, Somerset, Nottingham, Dorset, Lancaster, and Derby. And endeavouring, by favours, to fix that vicious prince in his duty, he put it too much in his power, whenever he pleased, to depart from it.

The king's preparation for the crusade.

THE king, impelled more by the love of military glory than by superstition, acted, from the beginning of his

[a] Hoveden, p. 655. Bened. Abb. p. 547. M. Paris, p. 107.

reign,

reign, as if the ſole purpoſe of his government had been the relief of the Holy Land, and the recovery of Jeruſalem from the Saracens. This zeal againſt infidels, being communicated to his ſubjects, broke out in London on the day of his coronation, and made them find a cruſade leſs dangerous, and attended with more immediate profit. The prejudices of the age had made the lending of money on intereſt paſs by the invidious name of uſury: Yet the neceſſity of the practice had ſtill continued it, and the greater part of that kind of dealing fell every where into the hands of the Jews; who, being already infamous on account of their religion, had no honour to loſe, and were apt to exerciſe a profeſſion, odious in itſelf, by every kind of rigour, and even ſometimes by rapine and extortion. The induſtry and frugality of this people had put them in poſſeſſion of all the ready money, which the idleneſs and profuſion, common to the Engliſh with other European nations, enabled them to lend at exorbitant and unequal intereſt. The monkiſh writers repreſent it as a great ſtain on the wiſe and equitable government of Henry, that he had carefully protected this infidel race from all injuries and inſults; but the zeal of Richard afforded the populace a pretence for venting their animoſity againſt them. The king had iſſued an edict, prohibiting their appearance at his coronation; but ſome of them, bringing him large preſents from their nation, preſumed, in confidence of that merit, to approach the hall in which he dined: Being diſcovered, they were expoſed to the inſults of the byſtanders; they took to flight; the people purſued them; the rumor was ſpread, that the king had iſſued orders to maſſacre all the Jews; a command ſo agreeable was executed in an inſtant on ſuch as fell into the hands of the populace; thoſe who had kept at home were expoſed to equal danger; the people, moved by rapacity and zeal, broke into their

CHAP. X. 1189.

CHAP. X. houſes, which they plundered, after having murdered the owners; where the Jews barricadoed their doors, and
1189. defended themſelves with vigour, the rabble ſet fire to the houſes, and made way through the flames to exerciſe their pillage and violence; the uſual licentiouſneſs of London, which the ſovereign power with difficulty reſtrained, broke out with fury, and continued theſe outrages; the houſes of the rich citizens, though Chriſtians, were next attacked and plundered; and wearineſs and ſatiety at laſt put an end to the diſorder: Yet when the king impowered Glanville, the juſticiary, to enquire into the authors of theſe crimes, the guilt was found to involve ſo many of the moſt conſiderable citizens, that it was deemed more prudent to drop the proſecution; and very few ſuffered the puniſhment due to this enormity. But the diſorder ſtopped not at London. The inhabitants of the other cities of England, hearing of this ſlaughter of the Jews, imitated the example: In York, five hundred of that nation, who had retired into the caſtle for ſafety, and found themſelves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then ſetting fire to the houſes, periſhed in the flames. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a ſolemn bonfire of the papers before the altar. The compiler of the annals of Waverley, in relating theſe events, bleſſes the Almighty for thus delivering over this impious race to deſtruction [b].

THE ancient ſituation of England, when the people poſſeſſed little riches and the public no credit, made it impoſſible for ſovereigns to bear the expence of a ſteady or durable war, even on their frontiers; much leſs could they find regular means for the ſupport of diſtant expedi-

[b] Gale's Collect. vol. iii. p. 165.

tions like thoſe into Paleſtine, which were more the reſult of popular frenzy than of ſober reaſon or deliberate policy. Richard, therefore, knew, that he muſt carry with him all the treaſure neceſſary for his enterprize, and that both the remoteneſs of his own country and its poverty made it unable to furniſh him with thoſe continued ſupplies, which the exigencies of ſo perilous a war muſt neceſſarily require. His father had left him a treaſure of above a hundred thouſand marks; and the king, negligent of every conſideration, but his preſent object, endeavoured to augment this ſum by all expedients, how pernicious ſoever to the public, or dangerous to royal authority. He put to ſale the revenues and manors of the crown; the offices of greateſt truſt and power, even thoſe of foreſter and ſheriff, which anciently were ſo important [c], became venal; the dignity of chief juſticiary, in whoſe hands was lodged the whole execution of the laws, was ſold to Hugh de Puzas, biſhop of Durham, for a thouſand marks; the ſame prelate bought the earldom of Northumberland for life [d]; many of the champions of the croſs, who had repented of their vow, purchaſed the liberty of violating it; and Richard, who ſtood leſs in need of men than of money, diſpenſed, on theſe conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but thoſe againſt the infidels, he was blind to every other conſideration; and when ſome of his wiſer miniſters objected to this diſſipation of the revenue and power of the crown, he replied, that he would ſell London itſelf could he find a purchaſer [e]. Nothing indeed could be a ſtronger proof how negligent he was of all future intereſts in compariſon of the cruſade, than his ſelling, for ſo ſmall a ſum as 10,000 marks, the vaſſalage of

CHAP. X. 1189.

[c] The ſheriff had anciently both the adminiſtration of juſtice and the management of the king's revenue committed to him in the county. See *Hale of Sheriffs Accounts.*

[d] M. Paris, p. 109. [e] W. Heming. p. 519. Knyghton, p. 2402.

CHAP. X.

1189. Scotland, together with the fortreſſes of Roxborough and Berwic, the greateſt acquiſition that had been made by his father during the courſe of his victorious reign; and his accepting the homage of William in the uſual terms, merely for the territories which that prince held in England [f]. The Engliſh of all ranks and ſtations were oppreſſed by numerous exactions: Menaces were employed both againſt the innocent and the guilty, in order to extort money from them: And where a pretence was wanting againſt the rich, the king obliged them, by the fear of his diſpleaſure, to lend him ſums, which, he knew, it would never be in his power to repay.

But Richard, though he ſacrificed every intereſt and conſideration to the ſucceſs of this pious enterprize, carried ſo little the appearance of ſanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the cruſade, who from that merit had acquired the privilege of ſpeaking the boldeſt truths, adviſed him to rid himſelf of his notorious vices, particularly his pride, avarice, and voluptuouſneſs, which he called the king's three favourite daughters. *You counſel well*, replied Richard; *and I hereby diſpoſe of the firſt to the Templars, of the ſecond to the Benedictines, and of the third to my prelates.*

Richard, jealous of attempts which might be made on England during his abſence, laid prince John, as well as his natural brother Geoffrey, archbiſhop of York, under engagements, confirmed by their oaths, that neither of them ſhould enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The adminiſtration was left in the hands of Hugh, biſhop of Durham, and of Longchamp, biſhop of Ely, whom he appointed juſticiaries and guardians of the realm. The latter was a Frenchman of mean birth, and of a violent character; who by art and addreſs

[f] Hoveden, p. 662. Rymer, vol. i. p. 64. M. Weſt. p. 257.

had

had insinuated himself into favour, whom Richard had created chancellor, and whom he had engaged the pope also to invest with the legantine authority, that, by centering every kind of power in his person, he might the better ensure the public tranquillity. All the military and turbulent spirits flocked about the person of the king, and were impatient to distinguish themselves against the infidels in Asia; whither his inclinations, his engagements, led him, and whither he was impelled by messages from the king of France, ready to embark in this enterprize. CHAP. X. 1189.

THE emperor Frederic, a prince of great spirit and conduct, had already taken the road to Palestine at the head of 150,000 men, collected from Germany and all the northern states. Having surmounted every obstacle thrown in his way by the artifices of the Greeks and the power of the infidels, he had penetrated to the borders of Syria; when, bathing in the cold river Cydnus, during the greatest heat of the summer-season, he was seized with a mortal distemper, which put an end to his life and his rash enterprize [g]. His army, under the command of his son Conrade, reached Palestine; but was so diminished by fatigue, famine, maladies, and the sword, that it scarcely amounted to eight thousand men; and was unable to make any progress against the great power, valour, and conduct of Saladin. These reiterated calamities, attending the crusades, had taught the kings of France and England the necessity of trying another road to the Holy Land; and they determined to conduct their armies thither by sea, to carry provisions along with them, and by means of their naval power to maintain an open communication with their own states, and with the western parts of Europe. The place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy [h]: 1190. 29th June.

[g] Bened. Abb. p. 556. [h] Hoveden, p. 660.

CHAP. X. 1190.

Philip and Richard, on their arrival there, found their combined army amount to 100,000 men[1]; a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their ſeveral dominions could ſupply, and not to be overcome but by their own miſconduct, or by the unſurmountable obſtacles of nature.

King ſets out on the cruſade.

THE French prince and the Engliſh here reiterated their promiſes of cordial friendſhip, pledged their faith not to invade each other's dominions during the cruſade, mutually exchanged the oaths of all their barons and prelates to the ſame effect, and ſubjected themſelves to the penalty of interdicts and excommunications, if they ſhould ever violate this public and ſolemn engagement. They then ſeparated; Philip took the road to Genoa, Richard that to Marſeilles, with a view of meeting their fleets, which were ſeverally appointed to rendezvous in theſe harbours. They put to ſea; and nearly about the ſame time, were obliged, by ſtreſs of weather, to take ſhelter in Meſſina, where they were detained during the whole winter. This incident laid the foundation of animoſities, which proved fatal to their enterprize.

14th Sept.

RICHARD and Philip were, by the ſituation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and theſe cauſes of emulation, which, had the princes been employed in the field againſt the common enemy, might have ſtimulated them to martial enterprizes, ſoon excited, during the preſent leiſure and repoſe, quarrels between monarchs of ſuch a fiery character. Equally haughty, ambitious, intrepid, and inflexible; they were irritated with the leaſt appearance of injury, and were incapable, by mutual condeſcenſions, to efface thoſe cauſes of complaint, which unavoidably aroſe between them. Richard, candid, ſin-

[1] Viniſauf, p. 305.

cere,

cere, undesigning, impolitic, violent, laid himself open, on every occasion, to the designs of his antagonist; who, provident, interested, intriguing, failed not to take all advantages against him: And thus, both the circumstances of their disposition in which they were similar, and those in which they differed, rendered it impossible for them to persevere in that harmony, which was so necessary to the success of their undertaking. CHAP. X. 1190.

THE last king of Sicily and Naples was William II. who had married Joan, sister to Richard, and who, dying without issue, had bequeathed his dominions to his paternal aunt, Constantia, the only legitimate descendant surviving of Roger, the first sovereign of those states who had been honoured with the royal title. This princess had, in expectation of that rich inheritance, been married to Henry VI. the reigning emperor [k]; but Tancred, her natural brother, had fixed such an interest among the barons, that, taking advantage of Henry's absence, he had acquired possession of the throne, and maintained his claim, by force of arms, against all the efforts of the Germans [l]. The approach of the crusaders naturally gave him apprehensions for his unstable government; and he was uncertain, whether he had most reason to dread the presence of the French or of the English monarch. Philip was engaged in a strict alliance with the emperor his competitor: Richard was disgusted by his rigors towards the queen-dowager, whom the Sicilian prince had confined in Palermo; because she had opposed with all her interest his succession to the crown. Tancred, therefore, sensible of the present necessity, resolved to pay court to both these formidable princes; and he was not unsuccessful in his endeavours. He persuaded Philip that it was highly improper for him to interrupt his enterprize against the infidels, by any attempt against a Christian state: He Transactions in Sicily.

[k] Bened. Abb. p. 580. [l] Hoveden, p. 663.

restored

CHAP. X. 1190. restored queen Joan to her liberty; and even found means to make an alliance with Richard, who stipulated by treaty to marry his nephew, Arthur, the young duke of Britanny, to one of the daughters of Tancred [m]. But before these terms of friendship were settled, Richard, jealous both of Tancred and of the inhabitants of Messina, had taken up his quarters in the suburbs, and had possessed himself of a small fort, which commanded the harbour; and he kept himself extremely on his guard against 3d October. their enterprizes. The citizens took umbrage. Mutual insults and attacks passed between them and the English: Philip, who had quartered his troops in the town, endeavoured to accommodate the quarrel, and held a conference with Richard for that purpose. While the two kings, meeting in the open fields, were engaged in discourse on this subject, a body of those Sicilians seemed to be drawing towards them; and Richard pushed forwards, in order to enquire into the reason of this extraordinary movement [n]. The English, insolent from their power, and inflamed with former animosities, wanted but a pretence for attacking the Messinese: They soon chaced them off the field, drove them into the town, and entered with them at the gates. The king employed his authority to restrain them from pillaging and massacring the defenceless inhabitants; but he gave orders, in token of his victory, that the standard of England should be erected on the walls. Philip, who considered that place as his quarters, exclaimed against the insult, and ordered some of his troops to pull down the standard: But Richard informed him by a messenger, that, though he himself would willingly remove that ground of offence, he would not permit it to be done by others; and if the French king attempted such an insult upon him, he should not succeed but by the utmost

[m] Hoveden, p. 676, 677. Bened. Abb. p. 615. [n] Bened. Abb. p. 608.

effusion

effuſion of blood. Philip, content with this ſpecies of haughty ſubmiſſion, recalled his orders [o]: The difference was ſeemingly accommodated; but ſtill left the remains of rancour and jealouſy in the breaſts of the two monarchs. CHAP. X. 1190.

TANCRED, who, for his own ſecurity, deſired to inflame their mutual hatred, employed an artifice, which might have been attended with conſequences ſtill more fatal. He ſhowed Richard a letter, ſigned by the French king, and delivered to him, as he pretended, by the duke of Burgundy; in which that monarch deſired Tancred to fall upon the quarters of the Engliſh, and promiſed to aſſiſt him in putting them to the ſword, as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his diſcontent to Philip, who abſolutely denied the letter, and charged the Sicilian prince with forgery and falſehood. Richard either was, or pretended to be, entirely ſatisfied [p]. 1191.

LEST theſe jealouſies and complaints ſhould multiply between them, it was propoſed, that they ſhould, by a ſolemn treaty, obviate all future differences, and adjuſt every point that could poſſibly hereafter become a controverſy between them. But this expedient ſtarted a new diſpute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with the late king, inſiſted ſo ſtrenuouſly on being allowed to marry Alice of France, he had only ſought a pretence for quarrelling; and never meant to take to his bed a princeſs ſuſpected of a criminal amour with his own father. After he became maſter, he no longer ſpake of that alliance: He even took meaſures for eſpouſing Berengaria, daughter of Sanchez, king of Navarre, with whom he had become enamoured during his abode in

[o] Hoveden, p. 674. Brompton, p. 1195.

[p] Ibid. p. 683. Bened. Abb. p. 642, 643.

CHAP. X.

Guienne [q]: Queen Eleanor was daily expected with that princeſs at Meſſina [r]: and when Philip renewed to him his applications for eſpouſing his ſiſter Alice, Richard was obliged to give him an abſolute refuſal. It is pretended by Hoveden and other hiſtorians [s], that he was able to produce ſuch convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother deſiſted from his applications, and choſe to wrap up the diſhonour of his family in ſilence and oblivion. It is certain, from the treaty itſelf, which remains [t], that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having ſettled all other controverſies with that prince, he immediately ſet ſail for the Holy Land. Richard awaited ſome time the arrival of his mother and bride; and when they joined him, he ſeparated his fleet into two ſquadrons, and ſet forward on his enterprize. Queen Eleanor returned to England; but Berengaria, and the queen-dowager of Sicily, his ſiſter, attended him on the expedition [u].

1191.

THE Engliſh fleet, on leaving the port of Meſſina, met with a furious tempeſt; and the ſquadron, on which the two princeſſes were embarked, was driven on the coaſt of Cyprus, and ſome of the veſſels were wrecked near Limiſſo in that iſland. Iſaac, prince of Cyprus, who aſſumed the magnificent title of emperor, pillaged the ſhips that were ſtranded, threw the ſeamen and paſſengers into priſon, and even refuſed to the princeſſes liberty, in their dangerous ſituation, of entering the harbour of Limiſſo. But Richard, who arrived ſoon after, took ample vengeance on him for the injury. He diſembarked his troops; defeated the tyrant, who oppoſed his landing; entered Limiſſo by ſtorm; gained next day a ſecond victory; obliged Iſaac to ſurrender at diſcretion;

12th April.

[q] Viniſauf. p. 316. [r] M. Paris, p. 112. Trivet, p. 102. W. Heming. p. 519. [s] Hoveden, p. 688. [t] Rymer, vol. i. p. 69. Chron. de Dunſt. p. 44. [u] Bened. Abb. p. 644.

and

and eſtabliſhed governors over the iſland. The Greek prince, being thrown into priſon and loaded with irons, complained of the little regard with which he was treated: Upon which, Richard ordered ſilver fetters to be made for him; and this emperor, pleaſed with the diſtinction, expreſſed a ſenſe of the generoſity of his conqueror [w]. The king here eſpouſed Berengaria, who, immediately embarking, carried along with her to Paleſtine the daughter of the Cypriot prince; a dangerous rival, who was believed to have ſeduced the affections of her huſband. Such were the libertine character and conduct of the heroes engaged in this pious enterprize! CHAP. X. 1191. 12th May.

The king's arrival in Paleſtine.

THE Engliſh army arrived in time to partake in the glory of the ſiege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Chriſtians in Paleſtine, and had been defended by the utmoſt efforts of Saladin and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the ſeparate bodies of adventurers who continually poured in from the Weſt, had enabled the king of Jeruſalem to form this important enterprize [x]: But Saladin, having thrown a ſtrong garriſon into the place under the command of Caracos, his own maſter in the art of war, and moleſting the beſiegers with continual attacks and ſallies, had protracted the ſucceſs of the enterprize, and waſted the force of his enemies. The arrival of Philip and Richard inſpired new life into the Chriſtians; and theſe princes, acting by concert, and ſharing the honour and danger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations: When the French monarch attacked the town, the Engliſh guarded the trenches: Next day, when the Engliſh prince conducted the aſſault, the French

[w] Bened. Abb. p. 650. Ann. Waverl. p. 164. Viniſauf. p. 328. W. Heming. p. 523. [x] Vin. ſauf. p. 269. 271. 279.

ſucceeded

CHAP. X. 1191.

succeeded him in providing for the safety of the assailants. The emulation between those rival kings and rival nations produced extraordinary acts of valour: Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic spirit of that age, drew to himself the general attention, and acquired a great and splendid reputation. But this harmony was of short duration; and occasions of discord soon arose between these jealous and haughty princes.

State of Palestine.

THE family of Boüillon, which had first been placed on the throne of Jerusalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevin race ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the Christians for king of Jerusalem [y]. But as Sibylla died without issue, during the siege of Acre, Isabella, her younger sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband, Conrade, marquis of Montserrat. Lusignan, maintaining that the royal title was unalienable and indefeazable, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause [z]. There needed no other reason for throwing Philip into the party of Conrade; and the opposite views of these great monarchs brought faction and dissention into the Christian army, and retarded all its operations. The Templars, the Genoese, and the Germans, declared for Philip and Conrade; the Flemings, the Pisans, the knights of the hospital of St. John, adhered to Richard

y Vinisauf. p. 281. W. Heming. p. 524.

z Trivet, p. 104. Vinisauf. p. 342.

and

and Luſignan. But notwithſtanding theſe diſputes, as the length of the ſiege had reduced the Saracen garriſon to the laſt extremity, they ſurrendered themſelves priſoners; ſtipulated, in return for their lives, other advantages to the Chriſtians, ſuch as reſtoring of the Chriſtian priſoners, and the delivery of the wood of the true croſs[a]; and this great enterprize, which had long engaged the attention of all Europe and Aſia, was at laſt, after the loſs of 300,000 men, brought to a happy period. CHAP. X. 1191. 12th July.

BUT Philip, inſtead of purſuing the hopes of farther conqueſt, and of redeeming the holy city from ſlavery, being diſguſted with the aſcendant aſſumed and acquired by Richard, and having views of many advantages, which he might reap by his preſence in Europe, declared his reſolution of returning to France; and he pleaded his bad ſtate of health as an excuſe for his deſertion of the common cauſe. He left, however, to Richard ten thouſand of his troops, under the command of the duke of Burgundy; and he renewed his oath never to commence hoſtilities againſt that prince's dominions during his abſence. But he had no ſooner reached Italy than he applied, 'tis pretended, to pope Celeſtine III. for a diſpenſation from this vow; and when denied that requeſt, he ſtill proceeded, though after a covert manner, in a project, which the preſent ſituation of England rendered inviting, and which gratified, in an eminent degree, both his reſentment and his ambition.

IMMEDIATELY after Richard had left England, and begun his march to the holy land, the two prelates, whom he had appointed guardians of the realm, broke out into animoſities againſt each other, and threw the king- Diſorders in England.

[a] This true croſs was loſt in the battle of Tiberiade, to which it had been carried by the cruſaders for their protection. Rigord, an author of that age, ſays, that after this diſmal event, all the children who were born throughout all Chriſtendom, had only twenty or twenty-two teeth, inſtead of thirty or thirty-two, which was their former complement, p. 14.

dom

CHAP. X. 1191.

dom into combuſtion. Longchamp, preſumptuous in his nature, elated by the favour which he enjoyed with his maſter, and armed with the legantine commiſſion, could not ſubmit to an equality with the biſhop of Durham: He even went ſo far as to arreſt his colleague, and to extort from him a reſignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty [b]. The king, informed of theſe diſſentions, ordered, by letters from Marſeilles, that the biſhop ſhould be reinſtated in his offices; but Longchamp had ſtill the boldneſs to refuſe compliance, on pretence that he himſelf was better acquainted with the king's ſecret intentions [c]. He proceeded to govern the kingdom by his ſole authority; to treat all the nobility with arrogance; and to diſplay his power and riches with an invidious oſtentation. He never travelled without a ſtrong guard of fifteen hundred foreign ſoldiers, collected from that licentious tribe, with which the age was generally infeſted: Nobles and knights were proud of being admitted into his train: His retinue wore the aſpect of royal magnificence: And when, in his progreſs through the kingdom, he lodged in any monaſtery, his attendants, it is ſaid, were ſufficient to devour, in one night, the revenue of ſeveral years [d]. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this oſtentation, which exceeded even what the habits of that age indulged in eccleſiaſtics; being alſo informed of the inſolent, tyrannical conduct of his miniſter; thought proper to reſtrain his power: He ſent new orders, appointing Walter archbiſhop of Roüen, William Mareſhal earl of Strigul, Geoffrey Fitz-Peter, William Briewere, and Hugh Bardolf, counſellors to Longchamp,

[b] Hoveden, p. 665. Knyghton, p. 2403. [c] W. Heming. p. 528. [d] Hoveden, p. 680. Bened. Abb. p. 626. 700. Brompton, p. 1193.

and

and commanding him to take no measure of importance without their concurrence and approbation. But such general terror had this man impressed by his violent conduct, that even the archbishop of Roüen and the earl of Strigul durst not produce this mandate of the king's; and Longchamp still maintained an uncontrouled authority over the nation. But when he proceeded so far as to throw into prison Geoffrey archbishop of York, who had opposed his measures, this breach of ecclesiastical privileges excited such an universal ferment, that prince John, disgusted with the small share he possessed in the government, and personally disobliged by Longchamp, ventured to summon at Reading a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to entrust his person in their hands, and he shut himself up in the Tower of London; but being soon obliged to surrender that fortress, he fled beyond sea, concealed under a female habit, and was deprived of his offices of chancellor and chief justiciary; the last of which was conferred on the archbishop of Roüen, a prelate of prudence and moderation. The commission of legate, however, which had been renewed to Longchamp by pope Celestine, still gave him, notwithstanding his absence, great authority in the kingdom, enabled him to disturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch first attempted to carry open war into Normandy; but as the French nobility refused to follow him in an invasion of a state which they had sworn to protect, and as the pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprize, and employed against England the expedient of secret policy and intrigue. He debauched prince John from his allegiance; promised him his sister Alice in marriage; offered to give him

CHAP. X.

1191.

1192.

CHAP. X.

1192.

poſſeſſion of all Richard's tranſmarine dominions; and had not the authority of queen Eleanor, and the menaces of the Engliſh council, prevailed over the inclinations of that turbulent prince, he was ready to have croſſed the ſeas, and to have put in execution his criminal enterprizes.

The king's heroic actions in Paleſtine.

THE jealouſy of Philip was every moment excited by the glory, which the great actions of Richard were gaining him in the eaſt, and which, being compared to his own deſertion of that popular cauſe, threw a double luſtre on his rival. His envy, therefore, prompted him to obſcure that fame, which he had not equalled; and he embraced every pretence of throwing the moſt violent and moſt improbable calumnies on the king of England. There was a petty prince in Aſia, commonly called *The old man of the mountain*, who had acquired ſuch an aſcendant over his fanatical ſubjects, that they paid the moſt implicit deference to his commands; eſteemed aſſaſſination meritorious, when ſanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied, that when they ſacrificed their lives for his ſake, the higheſt joys of paradiſe were the infallible reward of their devoted obedience [e]. It was the cuſtom of this prince, when he imagined himſelf injured, to diſpatch ſecretly ſome of his ſubjects againſt the aggreſſor, to charge them with the execution of his revenge, to inſtruct them in every art of diſguiſing their purpoſe; and no precaution was ſufficient to guard any man, however powerful, againſt the attempts of theſe ſubtle and determined ruffians. The greateſt monarchs ſtood in awe of this prince of the aſſaſſins, (for that was the name of his people; whence the word has paſſed into moſt European languages) and it was the higheſt indiſcretion in Conrade, marquis of Montferrat, to offend and

[e] W. Heming. p. 532. Brompton, p. 1243.

affront

affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death ſome of this dangerous people: The prince demanded ſatisfaction; for as he piqued himſelf on never beginning any offence [f], he had his regular and eſtabliſhed formalities in requiring atonement: Conrade treated his meſſengers with diſdain: The prince iſſued the fatal orders: Two of his ſubjects, who had inſinuated themſelves in diſguiſe among Conrade's guards, openly, in the ſtreets of Sidon, wounded him mortally; and when they were ſeized and put to the moſt cruel tortures, they triumphed amidſt their agonies, and rejoiced that they had been deſtined by heaven to ſuffer in ſo juſt and meritorious a cauſe. CHAP. X. 1192.

EVERY one in Paleſtine knew from what hand the blow came. Richard was entirely free from ſuſpicion. Though that monarch had formerly maintained the cauſe of Luſignan againſt Conrade, he had become ſenſible of the bad effects attending thoſe diſſentions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he ſhould reſign to his rival all pretenſions on the crown of Jeruſalem [g]. Conrade himſelf, with his dying breath, had recommended his widow to the protection of Richard [h]; the prince of the aſſaſſins avowed the action in a formal narrative which he ſent to Europe [i]; yet, on this foundation, the king of France thought fit to build the moſt egregious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whoſe elevation he had once openly oppoſed. He filled all Europe with exclamations againſt the crime; appointed a guard for his own perſon, in order to defend himſelf againſt a like attempt [k]; and endeavoured, by theſe ſhallow artifices, to cover the infamy of attack-

[f] Rymer, vol. i. p. 71. [g] Viniſauf. p. 391. [h] Brompton, p. 1243. [i] Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming. p. 544. Diceto, p. 680. [k] W. Heming. p. 532. Brompton, p. 1245.

CHAP. X. 1192.

ing the dominions of a prince, whom he himſelf had deſerted, and who was engaged with ſo much glory in a war, univerſally acknowledged to be the common cauſe of Chriſtendom.

But Richard's heroic actions in Paleſtine were the beſt apology for his conduct. The Chriſtian adventurers under his command determined, on opening the campaign, to attempt the ſiege of Aſcalon, in order to prepare the way for that of Jeruſalem; and they marched along the ſea-coaſt with that intention. Saladin purpoſed to intercept their paſſage; and he placed himſelf on the road with an army, amounting to 300,000 combatants. On this occaſion was fought one of the greateſt battles of that age; and the moſt celebrated, for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the Chriſtians, commanded by d'Aveſnes, and the left, conducted by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, reſtored the battle; attacked the enemy with intrepidity and preſence of mind; performed the part both of a conſummate general and gallant ſoldier; and not only gave his two wings leiſure to recover from their confuſion, but obtained a complete victory over the Saracens, of whom forty thouſand are ſaid to have periſhed in the field [1]. Aſcalon ſoon after fell into the hands of the Chriſtians: Other ſieges were carried on with equal ſucceſs: Richard was even able to advance within ſight of Jeruſalem, the object of his enterprize; when he had the mortification to find, that he muſt abandon all hopes of immediate ſucceſs, and muſt put a ſtop to his career of victory. The cruſaders, animated with an en-

1 Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p. 662. Brompton, p. 1214.

thuſiaſtic ardor for the holy wars, broke at firſt through all regards to ſafety or intereſt in the proſecution of their purpoſe; and truſting to the immediate aſſiſtance of heaven, ſet nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long abſence from home, fatigue, diſeaſe, want, and the variety of incidents which naturally attend war, had gradually abated that fury, which nothing was able directly to withſtand; and every one, except the king of England, expreſſed a deſire of ſpeedily returning into Europe. The Germans and the Italians declared their reſolution of deſiſting from the enterprize: The French were ſtill more obſtinate in this purpoſe: The duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and oppoſing Richard [m]: And there appeared an abſolute neceſſity of abandoning for the preſent all hopes of farther conqueſt, and of ſecuring the acquiſitions of the Chriſtians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch; and ſtipulated, that Acre, Joppa, and other ſeaport towns of Paleſtine, ſhould remain in the hands of the Chriſtians, and that every one of that religion ſhould have liberty to perform his pilgrimage to Jeruſalem unmoleſted. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been deviſed by the Europeans, and which was ſuggeſted by a ſuperſtition well ſuited to the object of the war. CHAP. X. 1192.

THE liberty, in which Saladin indulged the Chriſtians, to perform their pilgrimages to Jeruſalem, was an eaſy ſacrifice on his part; and the furious wars, which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the reſult of ſuperſtition, but of policy. The advantage indeed of

[m] Viniſauf. p. 380.

CHAP. X. 1192.

science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity, which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity, which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the king of England ordered all his prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the Christians by a like cruelty [n]. Saladin died at Damascus soon after concluding this truce with the princes of the crusade: It is memorable, that, before he expired, he ordered his winding-sheet to be carried as a standard through every street of the city; while a crier went before, and proclaimed with a loud voice, *This is all that remains to the mighty Saladin, the conqueror of the East.* By his last will, he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

The king's return from Palestine.

THERE remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received, concerning the intrigues of his brother John, and those of the king of France, made him sensible, that his presence was necessary in Europe. As he dared not to pass through France, he sailed to the Adriatic; and being shipwrecked near Aquileia, he put on the disguise of a pilgrim, with a purpose of taking his journey secretly through Germany. Pursued by the governor of Istria, he was forced out of the direct road to England, and was obliged to pass by Vienna; where his expences and liberalities betrayed the monarch in the

[n] Hoveden, p. 697. Bened. Abb. p. 673. M. Paris, p. 115. Vinisauf. p. 346. W. Heming. p. 531.

habit of the pilgrim; and he was arreſted by orders of Leopold, duke of Auſtria. This prince had ſerved under Richard at the ſiege of Acre; but being diſguſted by ſome inſult of that haughty monarch, he was ſo ungenerous as to ſeize the preſent opportunity of gratifying at once his avarice and revenge; and he threw the king into priſon. The emperor Henry VI. who alſo conſidered Richard as an enemy, on account of the alliance contracted by him with Tancred, king of Sicily, diſpatched meſſengers to the duke of Auſtria, required the royal captive to be delivered to him, and ſtipulated a large ſum of money as a reward for this ſervice. Thus the king of England, who had filled the whole world with his renown, found himſelf, during the moſt critical ſtate of his affairs, confined in a dungeon, and loaded with irons, in the heart of Germany [o], and entirely at the mercy of his enemies, the baſeſt and moſt ſordid of mankind.

CHAP. X.

1192. 20 h December.

1193.

Captivity in Germany.

THE Engliſh council was aſtoniſhed on receiving this fatal intelligence; and foreſaw all the dangerous conſequences, which might naturally ariſe from that event. The queen-dowager wrote reiterated letters to pope Celeſtine; exclaiming againſt the injury which her ſon had ſuſtained, repreſenting the impiety of detaining in priſon the moſt illuſtrious prince that had yet carried the banners of Chriſt into the Holy Land; claiming the protection of the apoſtolic ſee, which was due even to the meaneſt of thoſe adventurers; and upbraiding the pope, that, in a cauſe where juſtice, religion, and the dignity of the church, were ſo much concerned; a cauſe which it might well befit his holineſs himſelf to ſupport by taking in perſon a journey to Germany, the ſpiritual thunders ſhould ſo long be ſuſpended over thoſe ſacrilegious offenders [p]. The zeal of Celeſtine correſponded not to the

[o] Chron. T. Wykes, p. 35.

[p] Rymer, vol. i. p. 72, 73, 74, 75, 76, &c.

CHAP. X.

1193. impatience of the queen-mother; and the regency of England were, for a long time, left to ſtruggle alone with all their domeſtic and foreign enemies.

War with France.

THE king of France, quickly informed of Richard's confinement by a meſſage from the emperor [q], prepared himſelf to take advantage of the incident: and he employed every means of force and intrigue, of war and negotiation, againſt the dominions and the perſon of his unfortunate rival. He revived the calumny of Richard's aſſaſſinating the marquis of Montferrat; and by that abſurd pretence, he induced his barons to violate their oaths, by which they had engaged, that, during the cruſade, they never would, on any account, attack the dominions of the king of England. He made the emperor the largeſt offers, if he would deliver into his hands the royal priſoner, or at leaſt detain him in perpetual captivity: He even formed an alliance by marriage with the king of Denmark, deſired that the ancient Daniſh claim to the crown of England ſhould be transferred to him, and ſolicited a ſupply of ſhipping to maintain it. But the moſt ſucceſsful of Philip's negotiations was with prince John, who, forgetting every tye to his brother, his ſovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the firſt invitation from the court of France, ſuddenly went abroad, had a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy brother. He ſtipulated to deliver into Philip's hands a great part of Normandy [r]; he received, in return, the inveſtiture of all Richard's tranſmarine dominions; and it is reported by ſeveral hiſtorians, that he even did homage to the French king for the crown of England.

IN conſequence of this treaty, Philip invaded Normandy; and by the treachery of John's emiſſaries, made

[q] Rymer, vol. i. p. 70.

[r] Ibid. p. 85.

himſelf

himself master, without opposition, of many fortresses, Neuf-chatel, Neausle, Gisors, Pacey, Ivreé: He subdued the counties of Eu and Aumale; and advancing to form the siege of Roüen, he threatened to put all the inhabitants to the sword, if they dared to make resistance. Happily, Robert earl of Leicester appeared in that critical moment; a gallant nobleman, who had acquired great honour during the crusade, and who, being more fortunate than his master in finding his passage homewards, took on him the command in Roüen, and exerted himself, by his exhortations and example, to infuse courage into the dismayed Normans. Philip was repulsed in every attack; the time of service from his vassals expired; and he consented to a truce with the English regency, received in return the promise of 20,000 marks, and had four castles put into his hands, as security for the payment [s].

CHAP. X. 1193.

PRINCE John, who, with a view of encreasing the general confusion, went over to England, was still less successful in his enterprizes. He was only able to make himself master of the castles of Windsor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whose death he pretended to have received certain intelligence, he was rejected by all the barons, and measures were taken to oppose and subdue him [t]. The justiciaries, supported by the general affection of the people, provided so well for the defence of the kingdom, that John was obliged, after some fruitless efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly avowed his alliance with Philip [u].

MEAN while, the high spirit of Richard suffered in Germany every kind of insult and indignity. The French

[s] Hoveden, p. 730, 731. Rymer, vol. i. p. 81. [t] Hoveden, p. 734. [u] W. Heming. p. 536.

ambassadors,

CHAP. X.

1193. ambaſſadors, in their maſter's name, renounced him as a vaſſal to the crown of France, and declared all his fiefs to be forfeited to his liege-lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him ſubmit to the payment of a larger ranſom, treated him with the greateſt ſeverity, and reduced him to a condition worſe than that of the meaneſt malefactor. He was even produced before the diet of the empire at Worms, and accuſed by Henry of many crimes and miſdemeanors; of making an alliance with Tancred, the uſurper of Sicily; of turning the arms of the Cruſade againſt a Chriſtian prince, and ſubduing Cyprus; of affronting the duke of Auſtria before Acre; of obſtructing the progreſs of the Chriſtian arms by his quarrels with the king of France; of aſſaſſinating Conrade, marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jeruſalem in the hands of the Saracen emperor [w]. Richard, whoſe ſpirit was not broken by his misfortunes, and whoſe genius was rather rouzed by theſe frivolous or ſcandalous imputations; after premiſing, that his dignity exempted him from anſwering before any juriſdiction, except that of heaven; yet condeſcended, for the ſake of his reputation, to juſtify his conduct before that great aſſembly. He obſerved, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince, whom he found in poſſeſſion of the throne: That the king, or rather tyrant of Cyprus, had provoked his indignation by the moſt ungenerous and unjuſt proceedings; and though he chaſtiſed this aggreſſor, he had not retarded a moment the progreſs of his chief enterprize: That if he had at any time been wanting in civility to the duke of Auſtria, he had already been ſufficiently puniſhed for that ſally of paſſion; and it better became men, embarked together in ſo holy a cauſe, to forgive each other's

[w] M. Paris, p. 121. W. Heming. p. 536.

infirmities,

infirmities, than to purſue a ſlight offence with ſuch unre- CHAP. X.
lenting vengeance: That it had ſufficiently appeared by 1193.
the event, whether the king of France or he were moſt zealous for the conqueſt of the Holy Land, and were moſt likely to ſacrifice private paſſions and animoſities to that great object: That if the whole tenor of his life had not ſhown him incapable of a baſe aſſaſſination, and juſtified him from that imputation in the eyes of his very enemies, it was in vain for him, at preſent, to make his apology, or plead the many irrefragable arguments, which he could produce in his own favour: And that, however he might regret the neceſſity, he was ſo far from being aſhamed of his truce with Saladin, that he rather gloried in that event; and thought it extremely honourable, that, though abandoned by all the world, ſupported only by his own courage and by the ſmall remains of his national troops, he could yet obtain ſuch conditions from the moſt powerful and moſt warlike emperor that the Eaſt had ever yet produced. Richard, after thus deigning to apologize for his conduct, burſt out into indignation at the cruel treatment which he had met with; that he, the champion of the croſs, ſtill wearing that honourable badge, ſhould, after expending the blood and treaſure of his ſubjects in the common cauſe of Chriſtendom, be intercepted by Chriſtian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cauſe, as if he were a ſubject and a malefactor; and what he ſtill more regretted, be thereby prevented from making preparations for a new cruſade, which he had projected, after the expiration of the truce, and from redeeming the ſepulchre of Chriſt, which had ſo long been profaned by the dominion of infidels. The ſpirit and eloquence of Richard made ſuch impreſſion on the German princes, that they exclaimed loudly againſt the conduct of the emperor; the pope threatened him with excommunication; and Henry, who had hearkened to the propoſals

CHAP. X.

posals of the king of France and prince John, found that it would be impracticable for him to execute his and their base purposes, or to detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ransom, and agreed to restore him to his freedom for the sum of 150,000 marks, about 300,000 pounds of our present money: of which 100,000 marks were to be paid before he received his liberty, and sixty-seven hostages delivered for the remainder [x]. The emperor, as if to gloss over the infamy of this transaction, made at the same time a present to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other states, over which the empire had some antiquated claims; a present which the king very wisely neglected.

1193. The king's delivery.

THE captivity of the superior lord was one of the cases provided for by the feudal tenures; and all the vassals were in that event obliged to give an aid for his ransom. Twenty shillings were therefore levied on each knight's fee in England; but as this money came in slowly, and was not sufficient for the intended purpose, the voluntary zeal of the people readily supplied the deficiency. The churches and monasteries melted down their plate, to the amount of 30,000 marks; the bishops, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tythes: And the requisite sum being thus collected, queen Eleanor, and Walter archbishop of Roüen, set out with it for Germany; paid the money to the emperor and the duke of Austria at Mentz; delivered them hostages for the remainder; and freed Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the bishop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himself extremely obnoxious to the German princes on account

1194. 4th Feb.

[x] Rymer, vol. i. p. 84.

of

of these odious practices, he had determined to seek support from an alliance with the king of France; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ransom; and to extort fresh sums from Philip and prince John, who were very liberal in their offers to him. He therefore gave orders that Richard should be pursued and arrested; but the king, making all imaginable haste, had already embarked at the mouth of the Schelde, and was out of sight of land, when the messengers of the emperor reached Antwerp. CHAP. X. 1194.

THE joy of the English was extreme on the appearance of their monarch, who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest East, whither their fame had never before been able to extend. He gave them, soon after his arrival, an opportunity of publickly displaying their exultation, by ordering himself to be crowned anew at Winchester; as if he intended, by that ceremony, to reinstate himself in his throne, and to wipe off the ignominy of his captivity. Their satisfaction was not damped, even when he declared his purpose of resuming all those exorbitant grants, which he had been necessitated to make before his departure for the Holy Land. The barons also, in a great council, confiscated, on account of his treason, all prince John's possessions in England; and they assisted the king in reducing the fortresses which still remained in the hands of his brother's adherents [y]. Richard, having settled every thing in England, passed over with an army into Normandy; being impatient to make war on Philip, and to revenge himself for the many injuries which he had received from that monarch [z]. As soon as Philip heard of the king's deli- King's return to England. 20th March.

[y] Hoveden, p. 737. Ann. Waverl. p. 165. W. Heming. p. 540.
[z] Hoveden, p. 740.

verance

CHAP. X. verance from captivity, he wrote to his confederate, John, in theſe terms: *Take care of yourſelf: The devil is broken looſe*[a].

1194.

War with France.

When we conſider ſuch powerful and martial monarchs, inflamed with perſonal animoſity againſt each other, enraged by mutual injuries, excited by rivalſhip, impelled by oppoſite intereſts, and inſtigated by the pride and violence of their own temper; our curioſity is naturally raiſed, and we expect an obſtinate and furious war, diſtinguiſhed by the greateſt events, and concluded by ſome remarkable cataſtrophe. Yet are the incidents, which attended thoſe hoſtilities, ſo frivolous, that ſcarce any hiſtorian can entertain ſuch a paſſion for military deſcriptions as to venture on a detail of them: A certain proof of the extreme weakneſs of princes in thoſe ages, and of the little authority they poſſeſſed over their refractory vaſſals! The whole amount of the exploits on both ſides is, the taking of a caſtle, the ſurpriſe of a ſtraggling party, a rencounter of horſe, which reſembles more a rout than a battle. Richard obliged Philip to raiſe the ſiege of Verneüil; he took Loches, a ſmall town in Anjou; he made himſelf maſter of Beaumont, and ſome other places of little conſequence; and after theſe trivial exploits, the two kings began already to hold conferences for an accommodation. Philip inſiſted, that, if a general peace were concluded, the barons on each ſide ſhould for the future be prohibited from carrying on private wars againſt each other: But Richard replied, that this was a right claimed by his vaſſals, and he could not debar them from it. After this fruitleſs negociation, there enſued an action between the French and Engliſh cavalry at Fretteval, in which the former were routed, and the king of France's cartulary and records, which commonly at that time attended his perſon, were taken. But this victory

[a] Hoveden, p. 739.

leading

leading to no important advantages, a truce for a year was at last, from mutual weakness, concluded between the two monarchs. CHAP. X. 1194.

DURING this war, prince John deserted from Philip, threw himself at his brother's feet, craved pardon for his offences, and by the intercession of queen Eleanor, was received into favour. *I forgive him*, said the king, *and hope I shall as easily forget his injuries, as he will my pardon.* John was incapable even of returning to his duty, without committing a baseness. Before he left Philip's party, he invited to dinner all the officers of the garrison, which that prince had placed in the citadel of Evreux; he massacred them during the entertainment; fell, with the assistance of the townsmen, on the garrison, whom he put to the sword; and then delivered up the place to his brother.

THE king of France was the great object of Richard's resentment and animosity: The conduct of John, as well as that of the emperor and duke of Austria, had been so base, and was exposed to such general odium and reproach, that the king deemed himself sufficiently revenged for their injuries; and he seems never to have entertained any project of vengeance against any of them. The duke of Austria about this time, having crushed his leg by the fall of his horse at a tournament, was thrown into a fever; and being struck, on the approaches of death, with remorse for his injustice to Richard, he ordered, by will, all the English hostages in his hands to be set at liberty, and the remainder of the debt due to him to be remitted: His son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them [b]. The emperor also made advances for Richard's friendship, and offered to give him a discharge of all the debt, not yet paid to him, provided he 1195.

[b] Rymer, vol. i. p. 88. 102.

would

CHAP. X.

would enter into an offensive alliance against the king of France; a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect; but it served to rekindle the war between France and England before the expiration of the truce. This war was not distinguished by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded a peace at Louviers, and made an exchange of some territories with each other [c].

1195.

1196. Their inability to wage war occasioned the peace: Their mutual antipathy engaged them again in war before two months expired. Richard imagined, that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouse, Boulogne, Champagne, and other considerable vassals of the crown of France [d]. But he soon experienced the insincerity of those princes; and was not able to make any impression on that kingdom, while governed by a monarch of so much vigour and activity as Philip. The most remarkable incident of this war was the taking prisoner in battle the bishop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king's. Richard, who hated that bishop, threw him into prison, and loaded him with irons; and when the pope demanded his liberty, and claimed him as his son, the king sent to his holiness the coat of mail which the prelate had worn in battle, and which was all besmeared with blood: And he replied to him, in the terms employed by Jacob's sons to that patriarch, *This have we found: Know now whether it be thy son's coat or no* [e]. This new war between England and France,

[c] Rymer, vol. i. p. 91. M. Paris, p. 128. Brompton, p. 1273.

[d] W. Heming. p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94.

[e] Genesis, chap. xxxvii. ver. 32.

though

though carried on with such animosity, that both kings frequently put out the eyes of their prisoners, was soon finished, by a truce of five years; and immediately after signing this treaty, the kings were ready, on some new offence, to break out again into hostilities; when the mediation of the cardinal of St. Mary, the pope's legate, accommodated the difference [f]. This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negociation. CHAP. X. 1196.

VIDOMAR, viscount of Limoges, a vassal of the king's, had found a treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole; and at the head of some Brabançons, besieged the viscount in the castle of Chalus, near Limoges, in order to make him comply with his demand [g]. The garrison offered to surrender; but the king replied, that, since he had taken the pains to come thither and besiege the place in person, he would take it by force, and would hang every one of them. The same day, Richard, accompanied by Marcadée, leader of his Brabançons, approached the castle in order to survey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his shoulder with an arrow. The king, however, gave orders for the assault, took the place, and hanged all the garrison, except Gourdon, who had wounded him, and whom he reserved for a more deliberate and more cruel execution [h]. 1199. 26th March.

THE wound was not in itself dangerous; but the unskilfulness of the surgeon made it mortal: He so rankled Richard's shoulder in pulling out the arrow, that a gangrene ensued; and that prince was now sensible that his life was drawing towards a period. He sent for Gour-

[f] Rymer, vol. i. p. 109, 110. [g] Hoveden, p. 791. Knyghton, p. 2413. [h] Ibid.

CHAP. X.

don, and asked him, *Wretch, what have I ever done to you, to oblige you to seek my life?——What have you done to me?* replied coolly the prisoner: *You killed with your own hands my father, and my two brothers; and you intended to have hanged myself: I am now in your power, and you may take revenge, by inflicting on me the most severe torments: But I shall endure them all with pleasure, provided I can think that I have been so happy as to rid the world of such a nuisance*[i]. Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty, and a sum of money to be given him; but Marcadée, unknown to him, seized the unhappy man, flead him alive, and then hanged him.

1199.

6th April. Death

Richard died in the tenth year of his reign, and the forty-second of his age; and he left no issue behind him.

and character of the king.

THE most shining part of this prince's character are his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, *cœur de lion*. He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valour, he seems to have possessed every talent necessary for acquiring it. His resentments also were high; his pride unconquerable; and his subjects, as well as his neighbours, had therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished by all the good, as well as the bad qualities, incident to that character: He was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendor of his enterprizes, than either to promote

[i] Hoveden, p. 791. Brompton, p. 1277. Knyghton, p. 2413.

their

CHAP. X.

their happineſs or his own grandeur, by a ſound and well regulated policy. As military talents make great impreſſion on the people, he ſeems to have been much beloved by his Engliſh ſubjects; and he is remarked to have been the firſt prince of the Norman line that bore any ſincere regard to them. He paſſed however only four months of his reign in that kingdom: The cruſade employed him near three years; he was detained about fourteen months in captivity; the reſt of his reign was ſpent either in war, or preparations for war, againſt France; and he was ſo pleaſed with the fame which he had acquired in the Eaſt, that he determined, notwithſtanding his paſt misfortunes, to have farther exhauſted his kingdom, and to have expoſed himſelf to new hazards, by conducting another expedition againſt the infidels. 1199.

Miſcellaneous tranſactions of this reign.

THOUGH the Engliſh pleaſed themſelves with the glory which the king's martial genius procured them, his reign was very oppreſſive, and ſomewhat arbitrary, by the high taxes which he levied on them, and often without conſent of the ſtates or great council. In the ninth year of his reign, he levied five ſhillings on each hyde of land; and becauſe the clergy refuſed to contribute their ſhare, he put them out of the protection of law, and ordered the civil courts to give them no ſentence for any debts which they might claim [k]. Twice in his reign he ordered all his charters to be ſealed anew, and the parties to pay fees for the renewal [l]. It is ſaid that Hubert, his juſticiary, ſent him over to France, in the ſpace of two years, no leſs a ſum than 1,100,000 marks, beſides bearing all the charges of the government in England. But this account is quite incredible, unleſs we ſuppoſe that Richard made a thorough dilapidation of the demeſnes of the crown, which is not likely he could do with any advantage after his

[k] Hoveden, p. 743. Tyrrel, vol. ii. p. 563. [l] Prynne's Chronol. Vindic. tom. i. p. 1133.

CHAP. X. former resumption of all grants. A king, who possessed such a revenue, could never have endured fourteen 1199. months captivity, for not paying 150,000 marks to the emperor, and be obliged at last to leave hostages for a third of the sum. The prices of commodities in this reign are also a certain proof, that no such enormous sum could be levied on the people. A hyde of land, or about a hundred and twenty acres, was commonly let at twenty shillings a year, money of that time. As there were 243,600 hydes in England, it is easy to compute the amount of all the landed rents of the kingdom. The general and stated price of an ox was four shillings; of a labouring horse the same; of a sow, one shilling; of a sheep with fine wool, ten-pence; with coarse wool, six-pence [m]. These commodities seem not to have advanced in their prices since the conquest *, and to have still been ten times cheaper than at present.

RICHARD renewed the severe laws against transgressors in his forests, whom he punished by castration and putting out their eyes, as in the reign of his great-grandfather. He established by law one weight and measure throughout his kingdom [n]. A useful institution, which the mercenary disposition and necessities of his successor engaged him to dispense with for money.

THE disorders in London, derived from its bad police, had risen to a great height during this reign; and in the year 1196, there seemed to be formed so regular a conspiracy among the numerous malefactors, as threatened the city with destruction. There was one William Fitz-Osbert, commonly called *Longbeard*, a lawyer, who had rendered himself extremely popular among the lower rank of citizens; and by defending them on all occasions, had

m Hoveden, p. 745.

n M. Paris, p. 109. 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774.

* See note [A] at the end of the volume.

CHAP. X.

acquired the appellation of the advocate or saviour of the poor. He exerted his authority, by injuring and insulting the more substantial citizens, with whom he lived in a state of hostility, and who were every moment exposed to the most outrageous violences from him and his licentious emissaries. Murders were daily committed in the streets; houses were broken open and pillaged in day-light; and it is pretended, that no less than fifty-two thousand persons had entered into an association, by which they bound themselves to obey all the orders of this dangerous ruffian. Archbishop Hubert, who was then chief justiciary, summoned him before the council to answer for his conduct; but he came so well attended, that no one durst accuse him, or give evidence against him; and the primate, finding the impotence of law, contented himself with exacting from the citizens hostages for their good behaviour. He kept, however, a watchful eye on Fitz-Osbert; and seizing a favourable opportunity, attempted to commit him to custody; but the criminal, murdering one of the public officers, escaped with his concubine to the church of St. Mary le Bow, where he defended himself by force of arms. He was at last forced from his retreat, condemned, and executed, amidst the regrets of the populace, who were so devoted to his memory, that they stole his gibbet, paid the same veneration to it as to the cross, and were equally zealous in propagating and attesting reports of the miracles wrought by it [o]. But though the sectaries of this superstition were punished by the justiciary [p], it received so little encouragement from the established clergy, whose property was endangered by such seditious practices, that it suddenly sunk and vanished. 1199.

[o] Hoveden, p. 765. Diceto, p. 691. Neubrig. p. 492, 493.
[p] Gervase, p. 1551.

CHAP. X.

1199. It was during the cruſades, that the cuſtom of uſing coats of arms was firſt introduced into Europe. The knights caſed up in armour, had no way to make themſelves be known and diſtinguiſhed in battle, but by the devices on their ſhields; and theſe were gradually adopted by their poſterity and families, who were proud of the pious and military enterprizes of their anceſtors.

King Richard was a paſſionate lover of poetry: There even remain ſome poetical works of his compoſition: And he bears a rank among the Provençal poets or *Trobadores*, who were the firſt of the modern Europeans, that diſtinguiſhed themſelves by attempts of that nature.

CHAP.

CHAP. XI.

JOHN.

Acceſſion of the king——His marriage——War with France——Murder of Arthur, duke of Britanny. ——The king expelled the French provinces ——The king's quarrel with the court of Rome ——Cardinal Langton appointed archbiſhop of Canterbury——Interdict of the kingdom——Excommunication of the king——The king's ſubmiſſion to the pope——Diſcontents of the barons ——Inſurrection of the barons——Magna Charta ——Renewal of the civil wars——Prince Lewis called over——Death——and character of the king.

THE noble and free genius of the ancients, which made the government of a ſingle perſon be always regarded as a ſpecies of tyranny and uſurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of *primogeniture* and a *repreſentation* in ſucceſſion; inventions ſo neceſſary for preſerving order in the lines of princes, for obviating the evils of civil diſcord and of uſurpation, and for begetting moderation in that ſpecies of government, by giving ſecurity to the ruling ſovereign. Theſe innovations aroſe from the feudal law; which, firſt introducing the right of primogeniture, made ſuch a diſtinction between the families of the elder and younger brothers, that the ſon

CHAP. XI.

1199. Acceſſion of the king.

CHAP. XI.

1199. of the former was thought entitled to succeed to his grandfather, preferably to his uncles, though nearer allied to the deceased monarch. But though this progress of ideas was natural, it was gradual. In the age of which we treat, the practice of representation was indeed introduced, but not thoroughly established; and the minds of men fluctuated between opposite principles. Richard, when he entered on the holy war, declared his nephew, Arthur duke of Britanny, his successor; and by a formal deed, he set aside, in his favour, the title of his brother John, who was younger than Geoffrey, the father of that prince[a]. But John so little acquiesced in that destination, that, when he gained the ascendant in the English ministry, by expelling Longchamp, the chancellor and great justiciary, he engaged all the English barons to swear, that they would maintain his right of succession; and Richard, on his return, took no steps towards restoring or securing the order which he had at first established. He was even careful, by his last will, to declare his brother John heir to all his dominions[b]; whether, that he now thought Arthur, who was only twelve years of age, incapable of asserting his claim against John's faction, or was influenced by Eleanor, the queen-mother, who hated Constantia, mother of the young duke, and who dreaded the credit which that princess would naturally acquire if her son should mount the throne. The authority of a testament was great in that age, even where the succession of a kingdom was concerned; and John had reason to hope, that this title, joined to his plausible right in other respects, would ensure him the succession. But the idea of representation seems to have made, at this time, greater progress in France than in England: The barons of the transmarine provinces,

[a] Hoveden, p. 677. M. Paris, p. 112. Chron. de Dunst. p. 43. Rymer, vol. i. p. 66. 68. Bened. Abb. p. 619. [b] Hoveden, p. 791. Trivet, p. 138.

Anjou,

Anjou, Maine, and Touraine, immediately declared in favour of Arthur's title, and applied for assistance to the French monarch as their superior lord. Philip, who desired only an occasion to embarrass John, and dismember his dominions, embraced the cause of the young duke of Britanny, took him under his protection, and sent him to Paris to be educated, along with his own son Lewis [c]. In this emergence, John hastened to establish his authority in the chief members of the monarchy; and after sending Eleanor into Poictou and Guienne, where her right was incontestible, and was readily acknowledged, he hurried to Roüen, and having secured the dutchy of Normandy, he passed over, without loss of time, to England. Hubert, archbishop of Canterbury, William Marescbal, earl of Strigul, who also passes by the name of earl of Pembroke, and Geoffrey Fitz-Peter, the justiciary, the three most favoured ministers of the late king, were already engaged on his side [d]; and the submission or acquiescence of all the other barons put him, without opposition, in possession of the throne. CHAP. XI. 1199.

THE king soon returned to France, in order to conduct the war against Philip, and to recover the revolted provinces from his nephew, Arthur. The alliances, which Richard had formed with the earl of Flanders [e], and other potent French princes, though they had not been very effectual, still subsisted, and enabled John to defend himself against all the efforts of his enemy. In an action between the French and Flemings, the elect bishop of Cambray was taken prisoner by the former; and when the cardinal of Capua claimed his liberty, Philip, instead of complying, reproached him with the weak efforts which he had employed in favour of the bishop of Beau-

[c] Hoveden, p. 792. M. Paris, p. 137. M. West. p. 263. Knyghton, p. 2414. [d] Hoveden, p. 793. M. Paris, p. 137. [e] Rymer, vol. i. p. 114. Hoveden, p. 794. M. Paris, p. 138.

vais,

CHAP. XI.

vais, who was in a like condition. The legate, to ſhow his impartiality, laid at the ſame time the kingdom of France and the dutchy of Normandy under an interdict; and the two kings found themſelves obliged to make an exchange of theſe military prelates.

1199.

1200. NOTHING enabled the king to bring this war to a happy iſſue ſo much as the ſelfiſh, intriguing character of Philip, who acted in the provinces that had declared for Arthur, without any regard to the intereſts of that prince. Conſtantia, ſeized with a violent jealouſy, that he intended to uſurp the entire dominion of them [f], found means to carry off her ſon ſecretly from Paris: She put him into the hands of his uncle; reſtored the provinces which had adhered to the young prince; and made him do homage for the dutchy of Britanny, which was regarded as a rere-fief of Normandy. From this incident, Philip ſaw, that he could not hope to make any progreſs againſt John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Daniſh princeſs, whom he had eſpouſed, he became deſirous of concluding a peace with England. After ſome fruitleſs conferences, the terms were at laſt adjuſted; and the two monarchs ſeemed in this treaty to have an intention, beſides ending the preſent quarrel, of preventing all future cauſes of diſcord, and of obviating every controverſy which could hereafter ariſe between them. They adjuſted the limits of all their territories; mutually ſecured the intereſts of their vaſſals; and to render the union more durable, John gave his niece, Blanche of Caſtile, in marriage to prince Lewis, Philip's eldeſt ſon, and with her the baronies of Iſſoudun and Graçai, and other fiefs in Berri. Nine barons of the king of England, and as many of the king of France,

[f] Hoveden, p. 795.

were

were guarantees of this treaty; and all of them swore, that, if their sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch [g]. CHAP. XI. 1200.

JOHN, now secure, as he imagined, on the side of France, indulged his passion for Isabella, the daughter and heir of Aymar Tailleffer, count of Angouleme, a lady with whom he had become much enamoured. His queen, the heiress of the family of Gloucester, was still alive: Isabella was married to the count de la Marche, and was already consigned to the care of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him overlook all these obstacles: He persuaded the count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella; regardless both of the menaces of the pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means of punishing his powerful and insolent rival. The King's marriage.

JOHN had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general discontent against him, excited commotions in Poictou and Normandy; and obliged the king to have recourse to arms, in order to suppress the insurrection of his vassals. He summoned together the barons of England, and required them to pass the sea under his standard, and to quell the rebels: He found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied, that they would not attend him on this expedition, unless he would pro- 1201.

[g] Norman. Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoveden, p. 814. Chron. Dunst. vol. i. p. 47.

mise

CHAP. XI.

1201. miſe to reſtore and preſerve their privileges [h]: The firſt ſymptom of a regular aſſociation and plan of liberty among thoſe noblemen! But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the reſt, who ſtaid behind, to pay him a ſcutage of two marks on each knight's fee, as the price of their exemption from the ſervice.

THE force, which John carried abroad with him, and that which joined him in Normandy, rendered him much ſuperior to his malcontent barons; and ſo much the more, as Philip did not publickly give them any countenance, and ſeemed as yet determined to perſevere ſteadily in the alliance, which he had contracted with England. But the king, elated with his ſuperiority, advanced claims, which gave an univerſal alarm to his vaſſals, and diffuſed ſtill wider the general diſcontent. As the juriſprudence of thoſe times required, that the cauſes in the lord's court ſhould chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he deſtined to fight with his barons, in order to determine any controverſy which he might raiſe againſt them [i]. The count de la Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their ſword againſt men of ſuch inferior quality. The king menaced them with vengeance; but he had not vigour to employ againſt them the force in his hands, or to proſecute the injuſtice, by cruſhing entirely the nobles who oppoſed it.

War with France.

THIS government, equally feeble and violent, gave the injured barons courage as well as inclination to carry farther their oppoſition: They appealed to the king of

[h] Annal. Burton, p. 262. [i] Ibid.

France;

France; complained of the denial of justice in John's court; demanded redress from him as their superior lord; and entreated him to employ his authority, and prevent their final ruin and oppression. Philip perceived his advantage, opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the king of England. John, who could not disavow Philip's authority, replied, that it belonged to himself first to grant them a trial by their peers in his own court; it was not till he failed in this duty, that he was answerable to his peers in the supreme court of the French king [k]; and he promised, by a fair and equitable judicature, to give satisfaction to his barons. When the nobles, in consequence of this engagement, demanded a safe-conduct, that they might attend his court, he at first refused it: Upon the renewal of Philip's menaces, he promised to grant their demand; he violated this promise; fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillieres and Boutavant, as a security for performance; he again violated this engagement; his enemies, sensible both of his weakness and want of faith, combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government. CHAP. XI. 1201. 1202.

THE young duke of Britanny, who was now rising to man's estate, sensible of the dangerous character of his uncle, determined to seek both his security and elevation by an union with Philip and the malcontent barons. He joined the French army, which had begun hostilities against the king of England: He was received with great marks of distinction by Philip; was knighted by him; espoused his daughter Mary; and was invested not only 1203.

[k] Philipp. lib. 6.

in

CHAP. XI. in the dutchy of Britanny, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle [l].

1203. Every attempt succeeded with the allies. Tillieres and Boutavant were taken by Philip, after making a feeble defence: Mortimar and Lyons fell into his hands almost without resistance. That prince next invested Gournai; and opening the sluices of a lake, which lay in the neighbourhood, poured such a torrent of water into the place, that the garrison deserted it, and the French monarch, without striking a blow, made himself master of that important fortress. The progress of the French arms was rapid, and promised more considerable success than usually in that age attended military enterprizes. In answer to every advance which the king made towards peace, Philip still insisted, that he should resign all his transmarine dominions to his nephew, and rest contented with the kingdom of England; when an event happened, which seemed to turn the scales in favour of John, and to give him a decisive superiority over his enemies.

YOUNG Arthur, fond of military renown, had broken into Poictou at the head of a small army; and passing near Mirebeau, he heard, that his grandmother, Queen Eleanor, who had always opposed his interests, was lodged in that place, and was protected by a weak garrison, and ruinous fortifications [m]. He immediately determined to lay siege to the fortress, and make himself master of her person: But John, rouzed from his indolence by so pressing an occasion, collected an army of English and Brabançons, and advanced from Normandy with hasty marches to the relief of the queen-mother. He fell on Arthur's camp before that prince was aware of the danger; dispersed his army; took him prisoner, together with the count de la Marche, Geoffrey de Lusignan, and the most considerable of the revolted barons; and returned in

[l] Trivet, p. 142. [m] Ann. Waverl. p. 167. M. West. p. 264.

triumph

triumph to Normandy [n]. Philip, who was lying before Arques in that dutchy, raiſed the ſiege and retired, upon his approach [o]. The greater part of the priſoners were ſent over to England; but Arthur was ſhut up in the caſtle of Falaiſe. CHAP. XI. 1203. 1ſt Auguſt.

THE king had here a conference with his nephew; repreſented to him the folly of his pretenſions; and required him to renounce the French alliance, which had encouraged him to live in a ſtate of enmity with all his family: But the brave, though imprudent, youth, rendered more haughty from misfortunes, maintained the juſtice of his cauſe; aſſerted his claim, not only to the French provinces, but to the crown of England; and in his turn, required the king to reſtore the ſon of his elder brother to the poſſeſſion of his inheritance [p]. John, ſenſible, from theſe ſymptoms of ſpirit, that the young prince, though now a priſoner, might hereafter prove a dangerous enemy, determined to prevent all future peril by diſpatching his nephew; and Arthur was never more heard of. The circumſtances which attended this deed of darkneſs, were, no doubt, carefully concealed by the actors, and are variouſly related by hiſtorians: But the moſt probable account is as follows. The king, it is ſaid, firſt propoſed to William de la Braye, one of his ſervants, to diſpatch Arthur; but William replied, that he was a gentleman, not a hangman; and he poſitively refuſed compliance. Another inſtrument of murder was found, and was diſpatched with proper orders to Falaiſe; but Hubert de Bourg, chamberlain to the king, and conſtable of the caſtle, feigning that he himſelf would execute the king's mandate, ſent back the aſſaſſin, ſpread the report that the young prince was dead, and publickly performed all the ceremonies of his interment: But finding that the

Murder of Arthur duke of Britanny

[n] Ann. Marg. p. 213. M. Weſt. p. 264. [o] M. Weſt. p. 264.
[p] Ibid.

CHAP. XI. 1203. Bretons vowed revenge for the murder, and that all the revolted barons perſevered more obſtinately in their rebellion, he thought it prudent to reveal the ſecret, and to inform the world that the duke of Britanny was ſtill alive, and in his cuſtody. This diſcovery proved fatal to the young prince: John firſt removed him to the caſtle of Roüen; and coming in a boat, during the night-time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more ſubdued by the continuance of his misfortunes, and by the approach of death, threw himſelf on his knees before his uncle, and begged for mercy: But the barbarous tyrant, making no reply, ſtabbed him with his own hands; and faſtening a ſtone to the dead body, threw it into the Seine.

All men were ſtruck with horror at this inhuman deed; and from that moment the king, deteſted by his ſubjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this diſappointment in their fond hopes, waged implacable war againſt him; and fixing the ſucceſſion of their government, put themſelves in a poſture to revenge the murder of their ſovereign. John had got into his power his niece, Eleanor, ſiſter to Arthur, commonly called *the damſel of Britanny*; and carrying her over to England, detained her ever after in captivity [q]: But the Bretons, in deſpair of recovering this princeſs, choſe Alice for their ſovereign; a younger daughter of Conſtantia, by her ſecond marriage with Gui de Thouars; and they entruſted the government of the dutchy to that nobleman. The ſtates of Britanny meanwhile carried their complaints before Philip as their liege lord, and demanded juſtice for the violence commit-

[q] Trivet, p. 145. T. Wykes, p. 36. Ypod. Neuſt. p. 459.

ted

ted by John on the perſon of Arthur, ſo near a relation, who, notwithſtanding the homage which he did to Normandy, was always regarded as one of the chief vaſſals of the crown. Philip received their application with pleaſure; ſummoned John to ſtand a trial before him; and on his non-appearance, paſſed ſentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his ſuperior lord all his ſeignories and fiefs in France [r].

CHAP. XI. 1203.

The king expelled from the French provinces.

THE king of France, whoſe ambitious and active ſpirit had been hitherto confined, either by the ſound policy of Henry, or the martial genius of Richard, ſeeing now the opportunity favourable againſt this baſe and odious prince, embraced the project of expelling the Engliſh, or rather the Engliſh king, from France, and of annexing to the crown ſo many conſiderable fiefs, which, during ſeveral ages, had been diſmembered from it. Many of the other great vaſſals, whoſe jealouſy might have interpoſed, and have obſtructed the execution of this project, were not at preſent in a ſituation to oppoſe it; and the reſt either looked on with indifference, or gave their aſſiſtance to this dangerous aggrandizement of their ſuperior lord. The earls of Flanders and Blois were engaged in the holy war: The count of Champagne was an infant, and under the guardianſhip of Philip: The dutchy of Britanny, enraged at the murder of their prince, vigorouſly promoted all his meaſures: And the general defection of John's vaſſals made every enterprize eaſy and ſucceſsful againſt him. Philip, after taking ſeveral caſtles and fortreſſes beyond the Loire, which he either garriſoned or diſmantled, received the ſubmiſſions of the count of Alençon, who deſerted John, and delivered up all the places under his command to the French: Upon which, Philip

[r] W. Heming. p. 455. M. Weſt. p. 264. Knyghton, p. 2420.

CHAP. XI. broke up his camp, in order to give the troops some repose after the fatigues of the campaign. John, suddenly
1203. collecting some forces, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to succour it, saw himself exposed to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and the neighbouring countries had resorted, in order to signalize their prowess and address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plains of Alençon as the most honourable field, in which they could display their generosity and martial spirit. Those valorous knights vowed, that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

This feeble effort was the last exploit of that slothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Roüen; passing all his time, with his young wife, in pastimes and amusements, as if his state had been in the most profound tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. *Let the French go on*, said he, *I will retake in a day what it has cost them years to acquire*[s]. His stupidity and indolence appeared so extraordinary, that the people endeavoured to

[s] M. Paris, p. 146. M. West. p. 266.

account

account for the infatuation by ſorcery, and believed, that he was thrown into this lethargy by ſome magic or witchcraft. The Engliſh barons, finding that their time was waſted to no purpoſe, and that they muſt ſuffer the diſgrace of ſeeing, without reſiſtance, the progreſs of the French arms, withdrew from their colours, and ſecretly returned to their own country [t]. No one thought of defending a man, who ſeemed to have deſerted himſelf; and his ſubjects regarded his fate with the ſame indifference, to which, in this preſſing exigency, they ſaw him totally abandoned. CHAP. XI. 1203.

JOHN, while he neglected all domeſtic reſources, had the meanneſs to betake himſelf to a foreign power, whoſe protection he claimed: He applied to the pope, Innocent III. and entreated him to interpoſe his authority between him and the French monarch. Innocent, pleaſed with any occaſion of exerting his ſuperiority, ſent Philip orders to ſtop the progreſs of his arms, and to make peace with the king of England. But the French barons received the meſſage with indignation; diſclaimed the temporal authority aſſumed by the pontiff; and vowed, that they would, to the uttermoſt, aſſiſt their prince againſt all his enemies: Philip, ſeconding their ardour, proceeded, inſtead of obeying the pope's envoys, to lay ſiege to Chateau Gaillard, the moſt conſiderable fortreſs which remained to guard the frontiers of Normandy.

CHATEAU GAILLARD was ſituated partly on an iſland in the river Seine, partly on a rock oppoſite to it; and was ſecured by every advantage, which either art or nature could beſtow upon it. The late king, having caſt his eye on this favourable ſituation, had ſpared no labour or expence in fortifying it; and it was defended by Roger de Laci, conſtable of Cheſter, a determined officer, 1204

[t] M. Paris, p. 146. M. Weſt. p. 264.

CHAP. XI. 1204.

at the head of a numerous garriſon. Philip, who deſpaired of taking the place by force, purpoſed to reduce it by famine; and that he might cut off its communication with the neighbouring country, he threw a bridge acroſs the Seine, while he himſelf with his army blockaded it by land. The earl of Pembroke, the man of greateſt vigour and capacity in the Engliſh court, formed a plan for breaking through the French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and ſuddenly attacked, with great ſucceſs, Philip's camp in the night-time; having left orders, that a fleet of ſeventy flat-bottomed veſſels ſhould ſail up the Seine, and fall at the ſame inſtant on the bridge. But the wind and the current of the river, by retarding the veſſels, diſconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, though ſucceſsful in the beginning of the action, was already repulſed with conſiderable loſs, and the king of France had leiſure to defend himſelf againſt theſe new aſſailants, who alſo met with a repulſe. After this misfortune, John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leiſure requiſite for conducting and finiſhing the ſiege. Roger de Laci defended himſelf for a twelvemonth with great obſtinacy; and having bravely repelled every attack, and patiently born all the hardſhips of famine, he was at laſt overpowered by a ſudden aſſault in the night-time, and made priſoner of war, with his garriſon [u]. Philip, who knew how to reſpect valour even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

WHEN this bulwark of Normandy was once ſubdued, all the province lay open to the inroads of Philip; and the king of England deſpaired of being any longer able to

[u] Trivet, p. 144. Gul. Britto, lib. 7. Ann. Waverl. p. 168.

defend

defend it. He ſecretly prepared veſſels for a ſcandalous flight; and that the Normans might no longer doubt of his reſolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Monfort l'Amauri to be demoliſhed. Not daring to repoſe confidence in any of his barons, whom he believed to be univerſally engaged in a conſpiracy againſt him, he entruſted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his ſervice. Philip, now ſecure of his prey, puſhed his conqueſts with vigour and ſucceſs againſt the diſmayed Normans. Falaiſe was firſt beſieged; and Lupicaire, who commanded in this impregnable fortreſs, after ſurrendering the place, inliſted himſelf with his troops in the ſervice of Philip, and carried on hoſtilities againſt his ancient maſter. Caen, Coutance, Seez, Evreux, Baïeux ſoon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterprizes on the other diviſion of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortreſſes in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themſelves to the laſt extremity, if their prince had appeared to conduct them, found no reſource but in ſubmiſſion; and every city opened its gates, as ſoon as Philip appeared before it. Roüen alone, Arques, and Verneüil determined to maintain their liberties; and formed a confederacy for mutual defence. Philip began with the ſiege of Roüen: The inhabitants were ſo inflamed with hatred to France, that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But after the French king had begun his operations with ſucceſs, and had taken ſome of

CHAP. XI.

1204.

1205.

CHAP. XI.

1205. 1st June.

their outworks, the citizens, seeing no resource, offered to capitulate; and demanded only thirty days to advertise their prince of their danger, and to require succours against the enemy. Upon the expiration of the term, as no supply had arrived, they opened their gates to Philip [w]; and the whole province soon after imitated the example, and submitted to the victor. Thus was this important territory re-united to the crown of France, about three centuries after the cession of it by Charles the Simple to Rollo, the first duke: And the Normans, sensible that this conquest was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the ancient Norman customs, readily granted them. But the French monarch had too much ambition and genius to stop in his present career of success. He carried his victorious army into the western provinces; soon reduced Anjou, Maine, Touraine, and part of Poictou [x]; and in this manner, the French crown, during the reign of one able and active prince, received such an accession of power and grandeur, as, in the ordinary course of things, it would have required several ages to attain.

JOHN, on his arrival in England, that he might cover the disgrace of his own conduct, exclaimed loudly against his barons, who, he pretended, had deserted his standard in Normandy; and he arbitrarily extorted from them a seventh of all their moveables, as a punishment for the offence [y]. Soon after he forced them to grant him a scutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the service, for which he pretended to exact it. Next year, he summoned all the barons of his realm to attend him on this foreign expedition, and collected ships

w Trivet, p. 147. Ypod. Neust. p. 459.
x Trivet, p. 149.
y M. Paris, p. 146. M. West. p. 265.

from

from all the sea-ports; but meeting with opposition from some of his ministers, and abandoning his design, he dismissed both fleet and army, and then renewed his exclamations against the barons for deserting him. He next put to sea with a small army, and his subjects believed, that he was resolved to expose himself to the utmost hazard for the defence and recovery of his dominions: But they were surprized, after a few days, to see him return again into harbour, without attempting any thing. In the subsequent season, he had the courage to carry his hostile measures a step farther. Gui de Thouars, who governed Britanny, jealous of the rapid progress made by his ally, the French king, promised to join the king of England with all his forces; and John ventured abroad with a considerable army, and landed at Rochelle. He marched to Angers; which he took and reduced to ashes. But the approach of Philip with an army threw him into a panic; and he immediately made proposals for peace, and fixed a place of interview with his enemy: But instead of keeping this engagement, he stole off with his army, embarked at Rochelle, and returned, loaded with new shame and disgrace, into England. The mediation of the pope procured him at last a truce for two years with the French monarch [z]; almost all the transmarine provinces were ravished from him; and his English barons, though harassed with arbitrary taxes and fruitless expeditions, saw themselves and their country baffled and affronted in every enterprize.

CHAP. XI. 1205. 1206.

In an age, when personal valour was regarded as the chief accomplishment, such conduct as that of John, always disgraceful, must be exposed to peculiar contempt; and he must thenceforth have expected to rule his turbulent vassals with a very doubtful authority. But the government, exercised by the Norman princes, had wound

[z] Rymer, vol. i. p. 141.

CHAP. XI.

up the royal power to ſo high a pitch, and ſo much beyond the uſual tenor of the feudal conſtitutions, that it ſtill behoved him to be debaſed by new affronts and diſgraces, ere his barons could entertain the view of conſpiring againſt him, in order to retrench his prerogatives. The church, which, at that time, declined not a conteſt with the moſt powerful and moſt vigorous monarchs, took firſt advantage of John's imbecillity; and with the moſt aggravating circumſtances of inſolence and ſcorn, fixed her yoke upon him.

1206.

1207. THE papal chair was then filled by Innocent III. who, having attained that dignity at the age of thirty-ſeven years, and being endowed with a lofty and enterprizing genius, gave full ſcope to his ambition, and attempted, perhaps more openly than any of his predeceſſors, to convert that ſuperiority, which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its uſurpations upon the civil power; but in order to extend them farther, and render them uſeful to the court of Rome, it was neceſſary to reduce the eccleſiaſtics themſelves under an abſolute monarchy, and to make them entirely dependant on their ſpiritual leader. For this purpoſe, Innocent firſt attempted to impoſe taxes at pleaſure upon the clergy; and in the firſt year of this century, taking advantage of the popular frenzy for cruſades, he ſent collectors over all Europe, who levied by his authority the fortieth of all eccleſiaſtical revenues, for the relief of the Holy Land, and received the voluntary contributions of the laity to a like amount[a]. The ſame year Hubert, archbiſhop of Canterbury, attempted another innovation, favourable to eccleſiaſtical and papal power: In the king's abſence, he

The king's quarrel with the court of France.

[a] Rymer, vol. i. p. 119.

ſummoned,

CHAP. XI.

1207.

ſummoned, by his legantine authority, a ſynod of all the Engliſh clergy, contrary to the inhibition of Geoffrey Fitz-Peter, the chief juſticiary; and no proper cenſure was ever paſſed on this encroachment, the firſt of the kind, upon the royal power. But a favourable incident ſoon after happened, which enabled ſo aſpiring a pontiff as Innocent, to extend ſtill farther his uſurpations on ſo contemptible a prince as John.

HUBERT, the primate, died in 1205; and as the monks or canons of Chriſt-church, Canterbury, poſſeſſed a right of voting in the election of their archbiſhop, ſome of the juniors of the order, who lay in wait for that event, met clandeſtinely the very night of Hubert's death; and without any congé d'elire from the king, choſe Reginald, their ſub-prior, for the ſucceſſor; inſtalled him in the archi-epiſcopal throne before midnight; and having enjoined him the ſtricteſt ſecrecy, ſent him immediately to Rome, in order to ſolicit the confirmation of his election [b]. The vanity of Reginald prevailed over his prudence; and he no ſooner arrived in Flanders, than he revealed to every one the purpoſe of his journey, which was immediately known in England [c]. The king was enraged at the novelty and temerity of the attempt, in filling ſo important an office without his knowledge or conſent: The ſuffragan biſhops of Canterbury, who were accuſtomed to concur in the choice of their primate, were no leſs diſpleaſed at the excluſion given them in this election: The ſenior monks of Chriſt-Church were injured by the irregular proceedings of their juniors: The juniors themſelves, aſhamed of their conduct, and diſguſted with the levity of Reginald, who had broken his engagements with them, were willing to ſet aſide his election [d]: And all men concurred in the deſign of remedying the falſe

[b] M. Paris, p. 148. M. Weſt. p. 266. [c] Ibid.
[d] M. Weſt. p. 266.

meaſures,

CHAP. XI.

1207.

measures, which had been taken. But as John knew, that this affair would be canvaſſed before a ſuperior tribunal, where the interpoſition of royal authority, in beſtowing eccleſiaſtical benefices, was very invidious; where even the cauſe of ſuffragan biſhops was not ſo favourable as that of monks; he determined to make the new election entirely unexceptionable: He ſubmitted the affair wholly to the canons of Chriſt-church; and departing from the right, claimed by his predeceſſors, ventured no farther than to inform them privately, that they would do him an acceptable ſervice, if they choſe John de Gray, biſhop of Norwich, for their primate [e]. The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all conteſts, endeavoured to perſuade the ſuffragan biſhops not to inſiſt on their claim of concurring in the election: But thoſe prelates, perſevering in their pretenſions, ſent an agent to maintain their cauſe before Innocent; while the king, and the convent of Chriſt-church, diſpatched twelve monks of that order to ſupport, before the ſame tribunal, the election of the biſhop of Norwich.

THUS there lay three different claims before the pope, whom all parties allowed to be the ſupreme arbiter in the conteſt. The claim of the ſuffragans, being ſo oppoſite to the uſual maxims of the papal court, was ſoon ſet aſide: The election of Reginald was ſo obviouſly fraudulent and irregular, that there was no poſſibility of defending it: But Innocent maintained, that, though this election was null and invalid, it ought previouſly to have been declared ſuch by the ſovereign pontiff, before the monks could proceed to a new election; and that the choice of the biſhop of Norwich was of courſe as uncanonical as that of his competitor [f]. Advantage was, therefore, taken of

[e] M. Paris, p. 149. M. Weſt. p. 266. Chron. de Mailr. p. 182.

[f] M. Paris, p. 155.

this

this ſubtlety for introducing a precedent, by which the ſee of Canterbury, the moſt important dignity in the church after the papal throne, ſhould ever after be at the diſpoſal of the court of Rome. CHAP. XI. 1207.

WHILE the pope maintained ſo many fierce conteſts, in order to wreſt from princes the right of granting inveſtitures, and to exclude laymen from all authority in conferring eccleſiaſtical benefices, he was ſupported by the united influence of the clergy, who, aſpiring to independance, fought, with all the ardour of ambition, and all the zeal of ſuperſtition, under his ſacred banners. But no ſooner was this point, after a great effuſion of blood, and the convulſions of many ſtates, eſtabliſhed in ſome tolerable degree, than the victorious leader, as is uſual, turned his arms againſt his own community, and aſpired to centre all power in his perſon. By the invention of reſerves, proviſions, commendams, and other devices, the pope gradually aſſumed the right of filling vacant benefices; and the plenitude of his apoſtolic power, which was not ſubject to any limitations, ſupplied all defects of title in the perſon on whom he beſtowed preferment. The canons which regulated elections were purpoſely rendered intricate and involved: Frequent diſputes aroſe among candidates: Appeals were every day carried to Rome: The apoſtolic ſee, beſides reaping pecuniary advantages from theſe conteſts, often exerciſed the power of ſetting aſide both the litigants, and on pretence of appeaſing faction, nominated a third perſon, who might be more acceptable to the contending parties.

THE preſent controverſy about the election to the ſee of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himſelf of the advantage. He ſent for the twelve monks deputed by the convent to maintain the cauſe of the biſhop of Norwich; and commanded them, under the penalty of

CHAP. XI.

1207. Cardinal Langton appointed archbishop of Canterbury.

of excommunication, to chuse for their primate, cardinal Langton, an Englishman by birth, but educated in France, and connected, by his interests and attachments, with the see of Rome [g]. In vain did the monks represent, that they had received from their convent no authority for this purpose; that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another person, whose right they had no power or pretence to abandon. None of them had the courage to persevere in this opposition, except one; Elias de Brantefield: All the rest, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

INNOCENT, sensible that this flagrant usurpation would be highly resented by the court of England, wrote John a mollifying letter; sent him four golden rings set with precious stones; and endeavoured to enhance the value of the present, by informing him of the many mysteries implied in it. He begged him to consider seriously the *form* of the rings, their *number*, their *matter*, and their *colour*. Their form, he said, being round, shadowed out Eternity, which had neither beginning nor end; and he ought thence to learn his duty of aspiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a square, denoted steadiness of mind, not to be subverted either by adversity or prosperity, fixed for ever on the firm basis of the four cardinal virtues. Gold, which is the matter, being the most precious of metals, signified Wisdom, which is the most valuable of all accomplishments, and justly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the saphire represented Faith; the

[g] M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming. p. 553. Knyghton, p. 2415.

verdure of the emerald, Hope; the redneſs of the ruby, Charity; and the ſplendor of the topaz, Good Works [h]. By theſe conceits, Innocent endeavoured to repay John for one of the moſt important prerogatives of his crown, which he had raviſhed from him; conceits probably admired by Innocent himſelf. For it is eaſily poſſible for a man, eſpecially in a barbarous age, to unite ſtrong talents for buſineſs with an abſurd taſte for literature and in the arts. CHAP. XI. 1207.

JOHN was inflamed with the utmoſt rage, when he heard of this attempt of the court of Rome [i]; and he immediately vented his paſſion on the monks of Chriſt-church, whom he found inclined to ſupport the election made by their fellows at Rome. He ſent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take poſſeſſion of their revenues. Theſe knights entered the monaſtery with drawn ſwords, commanded the prior and the monks to depart the kingdom, and menaced them, that, in caſe of diſobedience, they would inſtantly burn them with the convent [k]. Innocent, prognoſticating, from the violence and imprudence of theſe meaſures, that John would finally ſink in the conteſt, perſevered the more vigorouſly in his pretenſions, and exhorted the king not to oppoſe God and the church any longer, nor to perſecute that cauſe, for which the holy martyr, St. Thomas, had ſacrificed his life, and which had exalted him equal to the higheſt ſaints in heaven [l]: A clear hint to John to profit by the example of his father, and to remember the prejudices and eſtabliſhed principles of his ſubjects, who bore a profound veneration to that martyr, and regarded his merits as the ſubject of their chief glory and exultation.

[h] Rymer, vol. i. p. 139. M. Paris, p. 155. [i] Rymer, vol. i. p. 143. [k] M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169. [l] M. Paris, p. 157.

INNOCENT,

CHAP. XI.

1207. INNOCENT, finding that John was not sufficiently tamed to submission, sent three prelates, the bishops of London, Ely, and Worcester, to intimate, that, if he persevered in his disobedience, the sovereign pontiff would be obliged to lay the kingdom under an interdict [m]. All the other prelates threw themselves on their knees before him, and entreated him, with tears in their eyes, to prevent the scandal of this sentence, by making a speedy submission to his spiritual Father, by receiving from his hands the new elected primate, and by restoring the monks of Christ-church to all their rights and possessions. He burst out into the most indecent invectives against the prelates; swore by God's teeth, his usual oath, that, if the pope presumed to lay his kingdom under an interdict, he would send to him all the bishops and clergy of England, and would confiscate all their estates; and threatened, that, if thenceforth he caught any Romans in his dominions, he would put out their eyes, and cut off their noses, in order to set a mark upon them, which might distinguish them from all other nations [n]. Amidst all this idle violence, John stood on such bad terms with his nobility, that he never dared to assemble the states of the kingdom, who, in so just a cause, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation against these palpable usurpations of the court of Rome. Innocent, therefore, perceiving the king's weakness, fulminated at last the sentence of interdict, which he had for some time held suspended over him [o].

Interdict of the kingdom.

THE sentence of interdict was at that time the great instrument of vengeance and policy employed by the court of Rome; was denounced against sovereigns for the lightest offences; and made the guilt of one person involve the

[m] M. Paris, p. 157. [n] Ibid. [o] Ibid. Trivet, p. 152. Ann. Waverl. p. 170. M. West. p. 268.

ruin

ruin of millions, even in their ſpiritual and eternal welfare. The execution of it was calculated to ſtrike the ſenſes in the higheſt degree, and to operate with irreſiſtible force on the ſuperſtitious minds of the people. The nation was of a ſudden deprived of all exterior exerciſe of its religion: The altars were deſpoiled of their ornaments: The croſſes, the reliques, the images, the ſtatues of the ſaints were laid on the ground; and as if the air itſelf were profaned, and might pollute them by its contact, the prieſts carefully covered them up, even from their own approach and veneration. The uſe of bells entirely ceaſed in all the churches: The bells themſelves were removed from the ſteeples, and laid on the ground with the other ſacred utenſils. Maſs was celebrated with ſhut doors; and none but the prieſts were admitted to that holy inſtitution. The laity partook of no religious rite, except baptiſm to new-born infants, and the communion to the dying: The dead were not interred in conſecrated ground: They were thrown into ditches, or buried in common fields; and their obſequies were not attended with prayers or any hallowed ceremony. Marriage was celebrated in the church-yards [p]; and that every action in life might bear the marks of this dreadful ſituation, the people were prohibited the uſe of meat, as in Lent, or times of the higheſt pennance; were debarred from all pleaſures and entertainments; and were forbidden even to ſalute each other, or ſo much as to ſhave their beards, and give any decent attention to their perſon and apparel. Every circumſtance carried ſymptoms of the deepeſt diſtreſs, and of the moſt immediate apprehenſion of divine vengeance and indignation.

CHAP. XI. 1207.

THE king, that he might oppoſe *his* temporal to *their* ſpiritual terrors, immediately, from his own authority, confiſcated the eſtates of all the clergy who obeyed the

[p] Chron. Dunſt. vol. i. p. 51.

interdict;

CHAP. XI.

1207.

interdict[q]; baniſhed the prelates, confined the monks in their convent, and gave them only ſuch a ſmall allowance from their own eſtates, as would ſuffice to provide them with food and rayment. He treated with the utmoſt rigour all Langton's adherents, and every one that ſhowed any diſpoſition to obey the commands of Rome: And in order to diſtreſs the clergy in the tendereſt point, and at the ſame time expoſe them to reproach and ridicule, he threw into priſon all their concubines, and required high fines as the price of their liberty[r].

AFTER the canons, which eſtabliſhed the celibacy of the clergy, were, by the zealous endeavours of archbiſhop Anſelm, more rigorouſly executed in England, the eccleſiaſtics gave, almoſt univerſally and avowedly, into the uſe of concubinage; and the court of Rome, which had no intereſt in prohibiting this practice, made very ſlight oppoſition to it. The cuſtom was become ſo prevalent, that, in ſome cantons of Swiſſerland, before the reformation, the laws not only permitted, but, to avoid ſcandal, enjoined the uſe of concubines to the younger clergy[s]; and it was uſual every where for prieſts to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The biſhop commonly took care to prevent the practice from degenerating into licentiouſneſs: He confined the prieſt to the uſe of one woman, required him to be conſtant to her bed, obliged him to provide for her ſubſiſtance and that of her children; and, though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, ſuch as is ſtill practiſed in Germany among the nobles; and may be regarded by the candid, as an appeal from the tyranny of civil and eccleſiaſtical inſtitutions, to the more virtuous and more unerring laws of nature.

[q] Ann. Waverl. p. 170. [r] M. Paris, p. 158. Ann. Waverl. p. 170. [s] Padre Paolo, Hiſt. Conc. Trid. lib. 1.

THE

THE quarrel between the king and the see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John, and celebrated divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people, as men who betrayed their principles, and sacrificed their conscience to temporal regards and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions, against Scotland, against Ireland, against the Welsh [t]; and he commonly prevailed, more from the weakness of his enemies than from his own vigour or abilities. Meanwhile, the danger, to which his government stood continually exposed from the discontents of the ecclesiastics, encreased his natural propension to tyranny; and he seems to have even wantonly disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonoured their families by his licentious amours; he published edicts, prohibited them from hunting feathered game, and thereby restrained them from their favourite occupation and amusement [u]; he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually loaded the nation with arbitrary impositions. Conscious of the general hatred which he had incurred, he required his nobility to give him hostages for security of their allegiance; and they were obliged to put into his hands their sons, nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the lady of that nobleman replied, that she would never entrust her son into the hands of one

CHAP. XI.

1207.

1208.

[t] W. Heming. p. 556. Ypod. Neust. p. 460. Knyghton, p. 2420.
[u] M. West. p. 268.

CHAP. XI. 1208. who had murdered his own nephew, while in his cuſtody. Her huſband reproved her for the ſeverity of this ſpeech; but, ſenſible of his danger, he immediately fled with his wife and ſon into Ireland, where he endeavoured to conceal himſelf. The king diſcovered the unhappy family in their retreat; ſeized the wife and ſon, whom he ſtarved to death in priſon; and the baron himſelf narrowly eſcaped, by flying into France.

1209. THE court of Rome had artfully contrived a gradation of ſentences; by which he kept offenders in awe; ſtill afforded them an opportunity of preventing the next anathema by ſubmiſſion; and in caſe of their obſtinacy, was able to refreſh the horror of the people againſt them, by new denunciations of the wrath and vengeance of heaven. As the ſentence of interdict had not produced the deſired effect on John, and as his people, though extremely diſcontented, had hitherto been reſtrained from riſing in open rebellion againſt him, he was ſoon to look for the ſentence of excommunication: And he had reaſon to apprehend, that, notwithſtanding all his precautions, the moſt dangerous conſequences might enſue from it. He was witneſs of the other ſcenes, which, at that very time, were acting in Europe, and which diſplayed the unbounded and uncontrouled power of the papacy. Innocent, far from being diſmayed at his conteſts with the king of England, had excommunicated the emperor Otho, John's nephew [w]; and ſoon brought that powerful and haughty prince to ſubmit to his authority. He publiſhed a cruſade againſt the Albigenſes, a ſpecies of enthuſiaſts in the ſouth of France, whom he denominated heretics; becauſe, like other enthuſiaſts, they neglected the rites of the church, and oppoſed the power

[w] M. Paris, p. 160. Trivet, 154. M. Weſt. p. 269.

and

and influence of the clergy: The people from all parts of Europe, moved by their superstition and their passion for wars and adventures, flocked to his standard: Simon de Montfort, the general of the crusade, acquired to himself a sovereignty in these provinces: The count of Toulouse, who protected, or perhaps only tolerated the Albigenses, was stripped of his dominions: And these sectaries themselves, though the most innocent and inoffensive of mankind, were exterminated with all the circumstances of extreme violence and barbarity. Here were therefore both an army and a general, dangerous from their zeal and valour, who might be directed to act against John; and Innocent, after keeping the thunder long suspended, gave at last authority to the bishops of London, Ely, and Worcester, to fulminate the sentence of excommunication against him [x]. These prelates obeyed; though their brethren were deterred from publishing, as the pope required of them, the sentence in the several churches of their dioceses.

CHAP. XI. 1209.

Excommunication of the king.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was entrusted with a considerable office in the court of exchequer, being informed of it while sitting on the bench, observed to his colleagues the danger of serving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope; and by this and other severe usage, he soon put an end to his life [y]: Nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr. Hugh de Wells, the chancellor, being elected by the king's appointment, bishop of Lincoln, upon a vacancy in that

[x] M. Paris, p. 159. M. West. p. 270.

[y] M. Paris, p. 159.

CHAP. XI.

1209. ſee, deſired leave to go abroad, in order to receive conſecration from the archbiſhop of Roüen; but he no ſooner reached France, than he haſtened to Pontigny, where Langton then reſided, and paid ſubmiſſions to him as his primate. The biſhops, finding themſelves expoſed either to the jealouſy of the king or hatred of the people, gradually ſtole out of the kingdom; and at laſt there remained only three prelates to perform the functions of the epiſcopal office [z]. Many of the nobility, terrified by John's tyranny, and obnoxious to him on different accounts, imitated the example of the biſhops; and moſt of the others, who remained, were with reaſon ſuſpected of having ſecretly entered into a confederacy againſt him [a]. John was alarmed at his dangerous ſituation; a ſituation, which prudence, vigour, and popularity, might formerly have prevented, but which no virtues or abilities were now ſufficient to retrieve. He deſired a conference with Langton at Dover; offered to acknowledge him as primate, to ſubmit to the pope, to reſtore the exiled clergy, even to pay them a limited ſum as a compenſation for the rents of their confiſcated eſtates. But Langton, perceiving his advantage, was not ſatisfied with theſe conceſſions: He demanded, that full reſtitution and reparation ſhould be made to all the clergy; a condition ſo exorbitant, that the king, who probably had not the power of fulfilling it, and who foreſaw that this eſtimation of damages might amount to an immenſe ſum, finally broke off the conference [b].

1213. THE next gradation of papal ſentences was to abſolve John's ſubjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him, in public or in private; at his

[z] Ann. Waverl. p. 170. Ann. Marg. p. 14. [a] M. Paris, p. 162. M. Weſt. p. 270, 271. [b] Ann. Waverl. p. 171.

table, in his council, or even in private converſation [c]: And this ſentence was accordingly, with all imaginable ſolemnity, pronounced againſt him. But as John ſtill perſevered in his contumacy, there remained nothing but the ſentence of depoſition; which, though intimately connected with the former, had been diſtinguiſhed from it by the artifice of the court of Rome; and Innocent determined to dart this laſt thunder-bolt againſt the refractory monarch. But as a ſentence of this kind required an armed force to execute it, the pontiff, caſting his eyes around, fixed at laſt on Philip, king of France, as the perſon, into whoſe powerful hand he could moſt properly entruſt that weapon, the ultimate reſource of his ghoſtly authority. And he offered the monarch, beſides the remiſſion of all his ſins and endleſs ſpiritual benefits, the property and poſſeſſion of the kingdom of England, as the reward of his labour [d].

CHAP. XI. 1212.

It was the common concern of all princes to oppoſe theſe exorbitant pretenſions of the Roman pontiff, by which they themſelves were rendered vaſſals, and vaſſals totally dependant, of the papal crown: Yet even Philip, the moſt able monarch of the age, was ſeduced, by preſent intereſt, and by the proſpect of ſo tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority, which, if he ever oppoſed its boundleſs uſurpations, might, next day, tumble him from the throne. He levied a great army; ſummoned all the vaſſals of the crown to attend him at Roüen; collected a fleet of 1700 veſſels, great and ſmall, in the ſea-ports of Normandy and Picardy; and partly from the zealous ſpirit of the age, partly from the perſonal regard univerſally paid him, prepared a force, which ſeemed equal to the greatneſs of his enterprize. The king, on the other 1213.

[c] M. Paris, p. 161. M. Weſt. p. 270. M. Weſt. p. 271.

[d] M. Paris, p. 162.

CHAP. XI. 1213.

hand, issued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared; and he selected an army of 60,000 men; a power invincible, had they been united in affection to their prince, and animated with a becoming zeal for the defence of their native country[e]. But the people were swayed by superstition, and regarded their king with horror, as anathematized by papal censures: The barons, besides lying under the same prejudices, were all disgusted by his tyranny, and were, many of them, suspected of holding a secret correspondence with the enemy: And the incapacity and cowardice of the king himself, ill-fitted to contend with those mighty difficulties, made men prognosticate the most fatal effects from the French invasion.

PANDOLF, whom the pope had chosen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a secret conference with his master, and had asked him, whether, if the king of England, in this desperate situation, were willing to submit to the apostolic see, the church should, without the consent of Philip, grant him any terms of accommodation[f]? Innocent, expecting from his agreement with a prince so abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after such mighty acquisitions, might become too haughty to be bound by spiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as soon as he arrived in the north of France, sent over two knights templars to desire an interview with John at Dover, which was readily granted: He there represented to him, in such strong, and probably

[e] M. Paris, p. 163. M. West. p. 271.

[f] M. Paris. p. 162.

in

CHAP. XI.

in such true colours, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John, yielded at discretion [g], and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself entirely to the judgment of the pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity, who had been banished on account of the contest; that he would make them full restitution of their goods, and compensation for all damages, and instantly consign eight thousand pounds, in part of payment; and that every one outlawed or imprisoned for his adherence to the pope, should immediately be received into grace and favour [h]. Four barons swore, along with the king, to the observance of this ignominious treaty [i].

1213. 13th May. The king's submission to the pope.

But the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first trial of obedience, to resign his kingdom to the church; and he persuaded him, that he could no wise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that, not constrained by fear, but of his own free-will, and by the common advice and consent of his barons, he had, for remission of his own sins and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to pope Innocent and his successors in the apostolic chair: He agreed to hold these dominions as feudatory of the church of Rome, by the annual payment of a thousand

[g] M. West. p. 271. Annal. Burt. p. 268.

[h] Rymer, vol. i. p. 166. M. Paris, p. 163.

[i] Rymer, vol. i. p. 170. M. Paris, p. 163.

CHAP. XI. 1213. marks; seven hundred for England, three hundred for Ireland: And he stipulated, that, if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented of their offence, forfeit all right to their dominions[k].

15th May. In consequence of this agreement, John did homage to Pandolf as the pope's legate, with all the submissive rites which the feudal law required of vassals before their liege-lord and superior. He came disarmed into the legate's presence, who was seated on a throne; he flung himself on his knees before him; he lifted up his joined hands, and put them within those of Pandolf; he swore fealty to the pope; and he paid part of the tribute, which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this supreme triumph of sacerdotal power, could not forbear discovering extravagant symptoms of joy and exultation: He trampled on the money, which was laid at his feet, as an earnest of the subjection of the kingdom: An insolence, of which, however offensive to all the English, no one present, except the archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and interdict, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

John, reduced to this abject situation under a foreign power, still showed the same disposition to tyrannize over his subjects, which had been the chief cause of all his misfortunes. One Peter of Pomfret, a hermit, had foretold, that the king, this very year, should lose his crown; and for that rash prophecy, he had been thrown into prison in Corfe-castle. John now determined to

[k] Rymer, vol. i. p. 176. M. Paris, p. 165.

bring

bring him to punishment as an impostor; and though the man pleaded, that his prophecy was fulfilled, and that the king had lost the royal and independent crown which he formerly wore, the defence was supposed to aggravate his guilt: He was dragged at horses tails, to the town of Warham, and there hanged on a gibbet with his son [l].

CHAP. XI. 1213.

When Pandolf, after receiving the homage of John, returned to France, he congratulated Philip on the success of his pious enterprize; and informed him, that John, moved by the terror of the French arms, had now come to a just sense of his guilt; had returned to obedience under the apostolic see; had even consented to do homage to the pope for his dominions; and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impossible for any Christian prince, without the most manifest and most flagrant impiety, to attack him [m]. Philip was enraged on receiving this intelligence: He exclaimed, that having, at the pope's instigation, undertaken an expedition, which had cost him above 60,000 pounds sterling, he was frustrated of his purpose, at the time when its success was become infallible: He complained, that all the expence had fallen upon him; all the advantages had accrued to Innocent: He threatened to be no longer the dupe of these hypocritical pretences: And assembling his vassals, he laid before them the ill-treatment which he had received, exposed the interested and fraudulent conduct of the pope, and required their assistance to execute his enterprize against England, in which, he told them, that, notwithstanding the inhibitions and menaces of the legate, he was determined to persevere. The French barons were in that age little less ignorant and superstitious than the English: Yet, so

[l] M. Paris, p. 165. Chron. Dunst. vol. i. p. 56.
[m] Trivet, p. 160.

much

CHAP. XI. 1213.

much does the influence of those religious principles depend on the present dispositions of men! they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches, which they had long expected from this enterprize. The earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces[n]; and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince. Meanwhile, the English fleet was assembled under the earl of Salisbury, the king's natural brother; and though inferior in number, received orders to attack the French in their harbours. Salisbury performed this service with so much success, that he took three hundred ships; destroyed a hundred more[o]: And Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any farther in his enterprize.

John, exulting in his present security, insensible to his past disgrace, was so elated with this success, that he thought of no less than invading France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English nobles both hated and despised their prince: They prognosticated no success to any enterprize conducted by such a leader: And pretending, that their time of service was elapsed, and all their provisions exhausted, they refused to second his undertaking[p]. The king, however, resolute in his purpose, embarked with a few followers, and sailed to

[n] M. Paris, p. 166. p. 59. Trivet, p. 157.

[o] M. Paris, p. 166. Chron. Dunst. vol. i.

[p] M. Paris, p. 166.

Jersey,

Jerſey, in the fooliſh expectation, that the barons would at laſt be aſhamed to ſtay behind [q]. But finding himſelf diſappointed, he returned to England; and raiſing ſome troops, threatened to take vengeance on all his nobles for their deſertion and diſobedience. The archbiſhop of Canterbury, who was in a confederacy with the barons, here interpoſed; ſtrictly inhibited the king from thinking of ſuch an attempt; and threatened him with a renewal of the ſentence of excommunication, if he pretended to levy war upon any of his ſubjects, before the kingdom were freed from the ſentence of interdict [r]. CHAP. XI. 1213.

THE church had recalled the ſeveral anathemas pronounced againſt John, by the ſame gradual progreſs with which ſhe had at firſt iſſued them. By receiving his homage, and admitting him to the rank of a vaſſal, his depoſition had been virtually annulled, and his ſubjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great triumph, with Langton at their head; and the king hearing of their approach, went forth to meet them, and throwing himſelf on the ground before them, he entreated them with tears to have compaſſion on him and the kingdom of England [s]. The primate, ſeeing theſe marks of ſincere penitence, led him to the chapter-houſe of Wincheſter, and there adminiſtered an oath to him, by which he again ſwore fealty and obedience to pope Innocent and his ſucceſſors; promiſed to love, maintain, and defend holy church and the clergy; engaged that he would re-eſtabliſh the good laws of his predeceſſors, particularly thoſe of St. Edward, and would aboliſh the wicked ones; and expreſſed his reſolution of maintaining juſtice and right in all his dominions [t]. The primate next gave him abſolution in the requiſite forms, and admitted him to dine with him, to the great joy of 20th July.

[q] M. Paris, p. 166. [r] M. Paris, p. 167. [s] M. Paris, p. 166. Ann. Waverl. p. 178. [t] M. Paris, p. 166.

CHAP. XI.

all the people. The ſentence of interdict, however, was ſtill upheld againſt the kingdom. A new legate, Nicholas, biſhop of Freſcati, came into England, in the room of Pandolf; and he declared it to be the pope's intentions never to looſen that ſentence till full reſtitution were made to the clergy of every thing taken from them, and ample reparation for all damages which they had ſuſtained. He only permitted maſs to be ſaid with a low voice in the churches, till thoſe loſſes and damages could be eſtimated to the ſatisfaction of the parties. Certain barons were appointed to take an account of the claims; and John was aſtoniſhed at the greatneſs of the ſums, to which the clergy made their loſſes to amount. No leſs than twenty thouſand marks were demanded by the monks of Canterbury alone; twenty-three thouſand for the ſee of Lincoln; and the king, finding theſe pretenſions to be exorbitant and endleſs, offered the clergy the ſum of a hundred thouſand marks for a final acquittal. The clergy rejected the offer with diſdain; but the pope, willing to favour his new vaſſal, whom he found zealous in his declarations of fealty, and regular in paying the ſtipulated tribute to Rome, directed his legate to accept of forty thouſand. The iſſue of the whole was, that the biſhops and conſiderable abbots got reparation beyond what they had any title to demand: The inferior clergy were obliged to ſit down contented with their loſſes: And the king, after the interdict was taken off, renewed, in the moſt ſolemn manner, and by a new charter, ſealed with gold, his profeſſions of homage and obedience to the ſee of Rome.

1213.

1214. WHEN this vexatious affair was at laſt brought to a concluſion, the king, as if he had nothing farther to attend to but triumphs and victories, went over to Poictou, which ſtill acknowledged his authority [u]; and he carried

[u] Queen Eleanor died in 1203 or 1204.

war

war into Philip's dominions. He beſieged a caſtle near Angiers; but the approach of prince Lewis, Philip's ſon, obliged him to raiſe the ſiege with ſuch precipitation, that he left his tents, machines, and baggage behind him; and he returned to England with diſgrace. About the ſame time, he heard of the great and deciſive victory gained by the king of France at Bovines over the emperor Otho, who had entered France at the head of 150,000 Germans; a victory which eſtabliſhed for ever the glory of Philip, and gave full ſecurity to all his dominions. John could, therefore, think henceforth of nothing farther, than of ruling peaceably his own kingdom; and his cloſe connexions with the pope, which he was determined at any price to maintain, enſured him, as he imagined, the certain attainment of that object. But the laſt and moſt grievous ſcene of this prince's misfortunes ſtill awaited him; and he was deſtined to paſs through a ſeries of more humiliating circumſtances than had ever yet fallen to the lot of any other monarch. CHAP. XI. 1214.

THE introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a ſtate of vaſſalage under the king or barons, and even the greater part of them to a ſtate of real ſlavery. The neceſſity alſo of entruſting great power in the hands of a prince, who was to maintain military dominion over a vanquiſhed nation, had engaged the Norman barons to ſubmit to a more ſevere and abſolute prerogative than that to which men of their rank, in other feudal governments, were commonly ſubjected. The power of the crown, once raiſed to a high pitch, was not eaſily reduced; and the nation, during the courſe of a hundred and fifty years, was governed by an authority, unknown, in the ſame degree, to all the kingdoms founded by the northern conquerors. Diſcontents of the barons.

CHAP. XI. 1214.

querors. Henry I. that he might allure the people to give an excluſion to his elder brother Robert, had granted them a charter, favourable in many particulars to their liberties; Stephen had renewed the grant; Henry II. had confirmed it: But the conceſſions of all theſe princes had ſtill remained without effect; and the ſame unlimited, at leaſt irregular authority, continued to be exerciſed both by them and their ſucceſſors. The only happineſs was, that arms were never yet raviſhed from the hands of the barons and people: The nation, by a great confederacy, might ſtill vindicate its liberties: And nothing was more likely, than the character, conduct, and fortunes of the reigning prince, to produce ſuch a general combination againſt him. Equally odious and contemptible, both in public and private life, he affronted the barons by his inſolence, diſhonoured their families by his gallantries, enraged them by his tyranny, and gave diſcontent to all ranks of men by his endleſs exactions and impoſitions [w]. The effect of theſe lawleſs practices had already appeared in the general demand made by the barons of a reſtoration of their privileges; and after he had reconciled himſelf to the pope, by abandoning the independance of the kingdom, he appeared to all his ſubjects in ſo mean a light, that they univerſally thought they might with ſafety and honour inſiſt upon their pretenſions.

But nothing forwarded this confederacy ſo much as the concurrence of Langton, archbiſhop of Canterbury; a man, whoſe memory, though he was obtruded on the nation by a palpable incroachment of the ſee of Rome, ought always to be reſpected by the Engliſh. This prelate, whether he was moved by the generoſity of his nature and his affection to public good; or had entertained

[w] Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming. p. 557.

an

an animosity against John, on account of the long opposition made by that prince to his election; or thought that an acquisition of liberty to the people would serve to encrease and secure the privileges of the church; had formed the plan of reforming the government, and had prepared the way for that great innovation, by inserting those singular clauses above-mentioned in the oath, which he administered to the king, before he would absolve him from the sentence of excommunication. Soon after, in a private meeting of some principal barons at London, he showed them a copy of Henry I.'s charter, which, he said, he had happily found in a monastery; and he exhorted them to insist on the renewal and observance of it: The barons swore, that they would sooner lose their lives than depart from so reasonable a demand [w]. The confederacy began now to spread wider, and to comprehend almost all the barons in England; and a new and more numerous meeting was summoned by Langton at St. Edmondsbury, under colour of devotion. He again produced to the assembly the old charter of Henry; renewed his exhortations of unanimity and vigour in the prosecution of their purpose; and represented in the strongest colours the tyranny to which they had so long been subjected, and from which it now behoved them to free themselves and their posterity [x]. The barons, inflamed by his eloquence, incited by the sense of their own wrongs, and encouraged by the appearance of their power and numbers, solemnly took an oath before the high altar, to adhere to each other, to insist on their demands, and to make endless war on the king, till he should submit to grant them [y]. They agreed, that, after the festival of Christmas, they would prefer in a body their common petition; and in the mean time, they separated, after mutually engaging, that they would put themselves in a posture of defence, would inlist

CHAP. XI. 1214. November.

[w] M. Paris, p. 167. [x] Ibid. p. 175. [y] Ibid. p. 176.

men

CHAP. XI.

men and purchaſe arms, and would ſupply their caſtles with the neceſſary proviſions.

1215. 6th Jan.

THE barons appeared in London on the day appointed; and demanded of the king, that, in conſequence of his own oath before the primate, as well as in deference to their juſt rights, he ſhould grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king, alarmed with their zeal and unanimity, as well as with their power, required a delay; promiſed, that, at the feſtival of Eaſter, he would give them a poſitive anſwer to their petition; and offered them the archbiſhop of Canterbury, the biſhop of Ely, and the earl of Pembroke, the Mareſchal, as ſureties for his fulfilling this engagement [z]. The barons accepted of the terms, and peaceably returned to their caſtles.

15th Jan.

DURING this interval, John, in order to break or ſubdue the league of his barons, endeavoured to avail himſelf of the eccleſiaſtical power, of whoſe influence he had, from his own recent misfortunes, had ſuch fatal experience. He granted to the clergy a charter, relinquiſhing for ever that important prerogative, for which his father and all his anceſtors had zealouſly contended; yielding to them the free election on all vacancies; reſerving only the power to iſſue a congé d'elire, and to ſubjoin a confirmation of the election; and declaring, that, if either of theſe were with-held, the choice ſhould nevertheleſs be deemed juſt and valid [a]. He made a vow to lead an army into Paleſtine againſt the infidels, and he took on him the croſs; in hopes, that he ſhould receive from the church that protection, which ſhe tendered to every one that had entered into this ſacred and meritorious engagement [b].

[z] M. Paris, p. 176. W. Weſt. p. 273. [a] Rymer, vol. i. p. 197.
[b] Rymer, vol. i. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. Weſt. p. 273.

And

And he sent to Rome his agent, William de Mauclerc, in order to appeal to the pope against the violence of his barons, and procure him a favourable sentence from that powerful tribunal [c]. The barons also were not negligent on their part in endeavouring to engage the pope in their interests: They dispatched Eustace de Vescie to Rome; laid their case before Innocent as their feudal lord; and petitioned him to interpose his authority with the king, and oblige him to restore and confirm all their just and undoubted privileges [d]. CHAP. XI. 1215.

INNOCENT beheld with regret the disturbances which had arisen in England, and was much inclined to favour John in his pretensions. He had no hopes of retaining and extending his newly acquired superiority over that kingdom, but by supporting so base and degenerate a prince, who was willing to sacrifice every consideration to his present safety: And he foresaw, that, if the administration should fall into the hands of those gallant and high-spirited barons, they would vindicate the honour, liberty, and independance of the nation, with the same ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the king himself. He exhorted the first to employ their good offices in conciliating peace between the contending parties, and putting an end to civil discord: To the second, he expressed his disapprobation of their conduct in employing force to extort concessions from their reluctant sovereign: The last, he advised to treat his nobles with grace and indulgence, and to grant them such of their demands as should appear just and reasonable [e].

THE barons easily saw, from the tenor of these letters, that they must reckon on having the pope, as well as the king, for their adversary; but they had already advanced

[c] Rymer, vol. i. p. 184. [d] Ibid. [e] Ibid. p. 196, 197.

CHAP. XI. 1215.

too far to recede from their pretenſions, and their paſſions were ſo deeply engaged, that it exceeded even the power of ſuperſtition itſelf any longer to controul them. They alſo foreſaw, that the thunders of Rome, when not ſeconded by the efforts of the Engliſh eccleſiaſtics, would be of ſmall avail againſt them; and they perceived, that the moſt conſiderable of the prelates, as well as all the inferior clergy, profeſſed the higheſt approbation of their cauſe. Beſides, that theſe men were ſeized with the national paſſion for laws and liberty; bleſſings, of which they themſelves expected to partake; there concurred very powerful cauſes to looſen their devoted attachment to the apoſtolic ſee. It appeared, from the late uſurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which, under his banners, though at their own peril, they had every where obtained over the civil magiſtrate. The pope aſſumed a deſpotic power over all the churches: Their particular cuſtoms, privileges, and immunities, were treated with diſdain: Even the canons of general councils were ſet aſide by his diſpenſing power: The whole adminiſtration of the church was centered in the court of Rome: All preferments ran of courſe in the ſame channel: And the provincial clergy ſaw, at leaſt felt, that there was a neceſſity for limiting theſe pretenſions. The legate, Nicholas, in filling thoſe numerous vacancies which had fallen in England during an interdict of ſix years, had proceeded in the moſt arbitrary manner; and had paid no regard, in conferring dignities, to perſonal merit, to rank, to the inclination of the electors, or to the cuſtoms of the country. The Engliſh church was univerſally diſguſted; and Langton himſelf, though he owed his elevation to an incroachment of the Romiſh ſee, was no ſooner eſtabliſhed in his high office, than he became jealous of the privileges annexed to it, and formed

ed attachments with the country subjected to his juriſdiction. Theſe cauſes, though they opened ſlowly the eyes of men, failed not to produce their effect: They ſet bounds to the uſurpations of the papacy: The tide firſt ſtopped, and then turned againſt the ſovereign pontiff: And it is otherwiſe inconceivable, how that age, ſo prone to ſuperſtition, and ſo ſunk in ignorance, or rather ſo devoted to a ſpurious erudition, could have eſcaped falling into an abſolute and total ſlavery under the court of Rome. CHAP. XI. 1215.

Insurrection of the barons.

ABOUT the time that the pope's letters arrived in England, the malcontent barons, on the approach of the feſtival of Eaſter, when they were to expect the king's anſwer to their petition, met by agreement at Stamford; and they aſſembled a force, conſiſting of above 2000 knights, beſides their retainers and inferior perſons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then reſided; and they there received a meſſage from the king, by the archbiſhop of Canterbury and the earl of Pembroke, deſiring to know what thoſe liberties were which they ſo zealouſly challenged from their ſovereign. They delivered to theſe meſſengers a ſchedule, containing the chief articles of their demands; which was no ſooner ſhown to the king, than he burſt into a furious paſſion, and aſked, why the barons did not alſo demand of him his kingdom? ſwearing, that he would never grant them ſuch liberties as muſt reduce himſelf to ſlavery [f]. 27th April.

No ſooner were the confederated nobles informed of John's reply, than they choſe Robert Fitz-Walter their general, whom they called *the mareſchal of the army of God and of holy church*; and they proceeded without farther ceremony to levy war upon the king. They be-

[f] M. Paris, p. 176.

CHAP. XI.

1215. sieged the castle of Northampton during fifteen days, though without success [f]: The gates of Bedford castle were willingly opened to them by William Beauchamp, 24th May. its owner: They advanced to Ware in their way to London, where they held a correspondence with the principal citizens: They were received without opposition into that capital: And finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them, and menacing them, in case of refusal or delay, with committing devastation on their houses and estates [g]. In order to show what might be expected from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence for openly joining a cause, which they always had secretly favoured. The king was left at Odiham in Surrey with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be chosen by himself, and four by the confederates [h], he found himself at last obliged to submit at discretion.

Magna Charta. 15th June. A CONFERENCE between the king and the barons was appointed at Runnemede, between Windsor and Staines; a place which has ever since been extremely celebrated, on account of this great event. The two parties encamped a-part, like open enemies; and after a debate of a few days, the king, with a facility somewhat suspicious, 19th June. signed and sealed the charter which was required of him. This famous deed, commonly called the GREAT CHARTER, either granted or secured very important liberties

[f] M. Paris, p. 177. Chron. Dunst. vol. i. p. 73. [g] M. Paris, p. 177. [h] Ryner, vol. i. p. 200.

and

and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people. CHAP. XI. 1215.

THE freedom of elections was secured to the clergy: The former charter of the king was confirmed, by which the neceſſity of a royal congé d'elire and confirmation was ſuperſeded: All check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleaſure: And the fines to be impoſed on the clergy, for any offence, were ordained to be proportional to their lay eſtates, not to their eccleſiaſtical benefices.

THE privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs ſucceeding to a military fee were aſcertained; an earl's and baron's at a hundred marks, a knight's at a hundred ſhillings. It was ordained by the charter, that, if the heir be a minor, he ſhall, immediately upon his majority, enter upon his eſtate, without paying any relief: The king ſhall not ſell his wardſhip: He ſhall levy only reaſonable profits upon the eſtate, without committing waſte or hurting the property: He ſhall uphold the caſtles, houſes, mills, parks, and ponds: And if he commit the guardianſhip of the eſtate to the ſheriff or any other, he ſhall previouſly oblige them to find ſurety to the ſame purpoſe. During the minority of a baron, while his lands are in wardſhip, and are not in his own poſſeſſion, no debt which he owes to the Jews ſhall bear any intereſt. Heirs ſhall be married without diſparagement; and before the marriage be contracted, the neareſt relations of the perſon ſhall be informed of it. A widow, without paying any relief, ſhall enter upon her dower, the third part of her huſband's rents: She ſhall not be compelled to marry, ſo long as ſhe chuſes to continue ſingle; ſhe ſhall only give ſecurity never to marry without her lord's

CHAP. XI. 1215.

consent. The king shall not claim the wardship of any minor, who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown, by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I.; and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be obliged to perform more service for his see than he is bound to by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle-guard, if the knight be willing to perform the service in person, or by another able-bodied man; and if the knight be in the field himself, by the king's command, he shall be exempted from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his lord.

THESE were the principal articles, calculated for the interest of the barons; and had the charter contained nothing farther, national happiness and liberty had been very little promoted by it, as it would only have tended to encrease the power and independance of an order of men, who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert in it other clauses of a more extensive and more beneficent nature: They could not expect the concurrence of the people, without comprehending, together

ther with their own, the intereſts of inferior ranks of men; and all proviſions, which the barons, for their own ſake, were obliged to make, in order to enſure the free and equitable adminiſtration of juſtice, tended directly to the benefit of the whole community. The following were the principal clauſes of this nature. CHAP. XI. 1215.

It was ordained, that all the privileges and immunities above-mentioned, granted to the barons againſt the king, ſhould be extended by the barons to their inferior vaſſals. The king bound himſelf not to grant any writ, empowering a baron to levy aids from his vaſſals, except in the three feudal caſes. One weight and one meaſure ſhall be eſtabliſhed throughout the kingdom. Merchants ſhall be allowed to tranſact all buſineſs, without being expoſed to any arbitrary tolls and impoſitions: They and all free men ſhall be allowed to go out of the kingdom and return to it at pleaſure: London, and all cities and burghs, ſhall preſerve their ancient liberties, immunities, and free cuſtoms: Aids ſhall not be required of them but by the conſent of the great council: No towns or individuals ſhall be obliged to make or ſupport bridges but by ancient cuſtom: The goods of every freeman ſhall be diſpoſed of according to his will: If he die inteſtate, his heirs ſhall ſucceed to them. No officer of the crown ſhall take any horſes, carts, or wood, without the conſent of the owner. The king's courts of juſtice ſhall be ſtationary, and ſhall no longer follow his perſon: They ſhall be open to every one; and juſtice ſhall no longer be ſold, refuſed, or delayed by them. Circuits ſhall be regularly held every year: The inferior tribunals of juſtice, the county court, ſheriff's turn, and court-leet ſhall meet at their appointed time and place: The ſheriffs ſhall be incapacitated to hold pleas of the crown; and ſhall not put any perſon upon his trial, from rumour or ſuſpicion alone, but upon the evidence of lawful witneſſes. No freeman ſhall be taken

CHAP. XI. 1215.

or impriſoned, or diſpoſſeſſed of his free tenement and liberties, or outlawed, or baniſhed, or any wiſe hurt or injured, unleſs by the legal judgment of his peers, or by the law of the land; and all who ſuffered otherwiſe in this or the two former reigns, ſhall be reſtored to their rights and poſſeſſions. Every freeman ſhall be fined in proportion to his fault; and no fine ſhall be levied on him to his utter ruin: Even a villain or ruſtic ſhall not by any fine be bereaved of his carts, ploughs, and implements of huſbandry. This was the only article calculated for the intereſts of this body of men, probably at that time the moſt numerous in the kingdom.

It muſt be confeſſed, that the former articles of the Great Charter contain ſuch mitigations and explanations of the feudal law as are reaſonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal diſtribution of juſtice, and free enjoyment of property; the great objects for which political ſociety was at firſt founded by men, which the people have a perpetual and unalienable right to recal, and which no time, nor precedent, nor ſtatute, nor poſitive inſtitution, ought to deter them from keeping ever uppermoſt in their thoughts and attention. Though the proviſions made by this charter might, conformably to the genius of the age, be eſteemed too conciſe, and too bare of circumſtances, to maintain the execution of its articles, in oppoſition to the chicanery of lawyers, ſupported by the violence of power; time gradually aſcertained the ſenſe of all the ambiguous expreſſions; and thoſe generous barons, who firſt extorted this conceſſion, ſtill held their ſwords in their hands, and could turn them againſt thoſe who dared, on any pretence, to depart from the original ſpirit and meaning of the grant. We may, now, from the tenor of this charter, conjecture what thoſe laws were of king Edward, which the Engliſh na-

tion, during so many generations, still desired, with such an obstinate perseverance, to have recalled and established. They were chiefly these latter articles of *Magna Charta*; and the barons, who, at the beginning of these commotions, demanded the revival of the Saxon laws, undoubtedly thought, that they had sufficiently satisfied the people, by procuring them this concession, which comprehended the principal objects, to which they had so long aspired. But what we are most to admire, is the prudence and moderation of those haughty nobles themselves, who were enraged by injuries, inflamed by opposition, and elated by a total victory over their sovereign. They were content, even in this plenitude of power, to depart from some articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardships, a matter of the greatest importance; and they seem to have been sufficiently careful not to diminish too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be ascribed only to the faithless and tyrannical character of the king himself, of which they had long had experience, and which, they foresaw, would, if they provided no farther security, lead him soon to infringe their new liberties, and revoke his own concessions. This alone gave birth to those other articles, seemingly exorbitant, which were added as a rampart for the safeguard of the Great Charter.

CHAP. XI. 1215.

The barons obliged the king to agree, that London should remain in their hands, and the Tower be consigned to the custody of the primate, till the 15th of August ensuing, or till the execution of the several articles of the Great Charter[k]. The better to ensure the same end, he allowed them to chuse five and twenty

[k] Rymer, vol. i. p. 201. Chron. Dunst. vol. i. p. 73.

members

CHAP. XI. 1215. members from their own body, as conſervators of the public liberties; and no bounds were ſet to the authority of theſe men either in extent or duration. If any complaint were made of a violation of the charter, whether attempted by the king, juſticiaries, ſheriffs, or foreſters, any four of theſe barons might admoniſh the king to redreſs the grievance: If ſatisfaction were not obtained, they could aſſemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to obſerve the charter, and, in caſe of reſiſtance, might levy war againſt him, attack his caſtles, and employ every kind of violence, except againſt his royal perſon, and that of his queen and children. All men, throughout the kingdom, were bound, under the penalty of confiſcation, to ſwear obedience to the twenty-five barons; and the freeholders of each county were to chuſe twelve knights, who were to make report of ſuch evil cuſtoms as required redreſs, conformably to the tenor of the Great Charter [l]. The names of thoſe conſervators were the earls of Clare, Albemarle, Gloceſter, Wincheſter, Hereford, Roger Bigod, earl of Norfolk, Robert de Vere, earl of Oxford, William Mareſchal the younger, Robert Fitz-Walter, Gilbert de Clare, Euſtace de Veſcey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the conſtable of Cheſter, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de Montfichet [m]. Theſe men were, by this convention, really inveſted with the ſovereignty of the kingdom: They were rendered co-ordinate with the king, or rather ſuperior to

l This ſeems a very ſtrong proof that the houſe of commons was not then in being; otherwiſe the knights and burgeſſes from the ſeveral counties could have given into the lords a liſt of grievances, without ſo unuſual an election.

m M. Paris, p. 181.

him,

him, in the exercise of the executive power: And as there was no circumstance of government, which, either directly or indirectly, might not bear a relation to the security or observance of the Great Charter; there could scarcely occur any incident, in which they might not lawfully interpose their authority. CHAP. XI. 1215.

JOHN seemed to submit passively to all these regulations, however injurious to majesty: He sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons [n]: He dismissed all his foreign forces: He pretended, that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independance of his people. But he only dissembled, till he should find a favourable opportunity for annulling all his concessions. The injuries and indignities, which he had formerly suffered from the pope and the king of France, as they came from equals or superiors, seemed to make but small impression on him: But the sense of this perpetual and total subjection under his own rebellious vassals, sunk deep in his mind, and he was determined, at all hazards, to throw off so ignominious a slavery [o]. He grew sullen, silent, and reserved: He shunned the society of his courtiers and nobles: He retired into the Isle of Wight, as if desirous of hiding his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies [p]. He secretly sent abroad his emissaries to inlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the forfeitures of so many opulent barons, who had incurred the guilt of rebellion, by rising in arms against him [q]. And he dispatched a messenger to Rome, in order to lay before the pope the Great Charter, which he had been compelled to sign, and

[n] M. Paris, p. 182. [o] Ibid. p. 183. [p] Ibid. [q] M. Paris, p. 183. Chron. Dunst. vol. i. p. 72. Chron. Mailr. p. 188.

to

CHAP. XI.

to complain, before that tribunal, of the violence, which had been impoſed upon him [r].

1215. INNOCENT, conſidering himſelf as feudal lord of the kingdom, was incenſed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his conſent, to impoſe ſuch terms on a prince, who, by reſigning to the Roman pontiff his crown and independance, had placed himſelf immediately under the papal protection. He iſſued, therefore, a bull, in which, from the plenitude of his apoſtolic power, and from the authority, which God had committed to him, to build and deſtroy kingdoms, to plant and overthrow, he annulled and abrogated the whole charter, as unjuſt in itſelf, as obtained by compulſion, and as derogatory to the dignity of the apoſtolic ſee. He prohibited the barons from exacting the obſervance of it: He even prohibited the king himſelf from paying any regard to it: He abſolved him and his ſubjects from all oaths, which they had been conſtrained to take to that purpoſe: And he pronounced a general ſentence of excommunication againſt every one, who ſhould perſevere in maintaining ſuch treaſonable and iniquitous pretenſions [s].

Renewal of the civil wars.

THE king, as his foreign forces arrived along with this bull, now ventured to take off the maſk; and, under ſanction of the pope's decree, recalled all the liberties which he had granted to his ſubjects, and which he had ſolemnly ſworn to obſerve. But the ſpiritual weapon was found upon trial to carry leſs force with it, than he had reaſon from his own experience to apprehend. The primate refuſed to obey the pope in publiſhing the ſentence of excommunication againſt the barons; and though he was cited to Rome, that he might attend a general council, there aſſembled, and was ſuſpended, on account

[r] M. Paris, p. 183. Chron. Dunſt. vol. i. p. 73.

[s] Rymer, vol. i. p. 203, 204, 205. 208. M. Paris, p. 184, 185. 187.

of

of his disobedience to the pope, and his secret correspondence with the king's enemies [t]: Though a new and particular sentence of excommunication was pronounced by name against the principal barons [u]; John still found, that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him: The sword of his foreign mercenaries was all he had to trust to for restoring his authority. CHAP. XI. 1215.

THE barons, after obtaining the Great Charter, seem to have been lulled into a fatal security, and to have taken no rational measures, in case of the introduction of a foreign force, for re-assembling their armies. The king was from the first master of the field; and immediately laid siege to the castle of Rochester, which was obstinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was at last reduced by famine. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but on the representation of William de Mauleon, who suggested to him the danger of reprizals, he was content to sacrifice, in this barbarous manner, the inferior prisoners only [w]. The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the kingdom. Nothing was to be seen but the flames of villages and castles reduced to ashes, the consternation and misery of the inhabitants, tortures exercised by the soldiery to make them reveal their concealed treasures, and reprizals no less barbarous, committed by the barons and their partizans on the 30th Nov.

[t] M. Paris, p. 189. [u] Rymer, vol. i. p. 211. M. Paris, p. 192.
[w] M. Paris, p. 187.

royal

CHAP. XI. 1215. royal demeſnes, and on the eſtates of ſuch as ſtill adhered to the crown. The king, marching through the whole extent of England, from Dover to Berwic, laid the provinces waſte on each ſide of him; and conſidered every ſtate, which was not his immediate property, as entirely hoſtile and the object of military execution. The nobility of the north in particular, who had ſhewn greateſt violence in the recovery of their liberties, and who, acting in a ſeparate body, had expreſſed their diſcontent even at the conceſſions made by the Great Charter; as they could expect no mercy, fled before him with their wives and families, and purchaſed the friendſhip of Alexander, the young king of Scots, by doing homage to him.

Prince Lewis called over.

THE barons, reduced to this deſperate extremity, and menaced with the total loſs of their liberties, their properties, and their lives, employed a remedy no leſs deſperate; and making applications to the court of France, they offered to acknowledge Lewis, the eldeſt ſon of Philip, for their ſovereign; on condition, that he would afford them protection from the violence of their enraged prince. Though the ſenſe of the common rights of mankind, the only rights that are entirely indefeaſible, might have juſtified them in the depoſition of their king; they declined inſiſting before Philip, on a pretenſion, which is commonly ſo diſagreeable to ſovereigns, and which ſounds harſhly in their royal ears. They affirmed, that John was incapable of ſucceeding to the crown, by reaſon of the attainder, paſſed upon him during his brother's reign; though that attainder had been reverſed, and Richard had even, by his laſt will, declared him his ſucceſſor. They pretended, that he was already legally depoſed by ſentence of the peers of France, on account of the murder of his nephew; though that ſentence could not poſſibly regard any thing but his tranſmarine dominions,

dominions, which alone he held in vaſſalage to that crown. On more plauſible grounds, they affirmed, that he had already depoſed himſelf by doing homage to the pope, changing the nature of his ſovereignty, and reſigning an independant crown for a fee under a foreign power. And as Blanche of Caſtile, the wife of Lewis, was deſcended by her mother from Henry II. they maintained, though many other princes ſtood before her in the order of ſucceſſion, that they had not ſhaken off the royal family, in chuſing her huſband for their ſovereign. CHAP. XI. 1216.

PHILIP was ſtrongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications, if he invaded the patrimony of St. Peter, or attacked a prince, who was under the immediate protection of the holy ſee[x]: But as Philip was aſſured of the obedience of his own vaſſals, his principles were changed with the times, and he now undervalued as much all papal cenſures, as he formerly pretended to pay reſpect to them. His chief ſcruple was with regard to the fidelity, which he might expect from the Engliſh barons in their new engagements, and the danger of entruſting his ſon and heir into the hands of men, who might, on any caprice or neceſſity, make peace with their native ſovereign, by ſacrificing a pledge of ſo much value. He therefore exacted from the barons twenty-five hoſtages of the moſt noble birth in the kingdom[y]; and having obtained this ſecurity, he ſent over firſt a ſmall army to the relief of the confederates; then more numerous forces, which arrived with Lewis himſelf at their head.

THE firſt effect of the young prince's appearance in England was the deſertion of John's foreign troops, who, being moſtly levied in Flanders, and other provinces of

[x] M. Paris, p. 194. M. Weſt. p. 275. Chron. Dunſt. vol. i. p. 74.

[y] M. Paris, p. 193.

CHAP. XI. 1216.

France, refused to serve against the heir of their monarchy[z]. The Gascons and Poictevins alone, who were still John's subjects, adhered to his cause; but they were too weak to maintain that superiority in the field, which they had hitherto supported against the confederated barons. Many considerable noblemen deserted John's party, the earls of Salisbury, Arundel, Warrene, Oxford, Albemarle, and William Mareschal the younger: His castles fell daily into the hands of the enemy: Dover was the only place, which, from the valour and fidelity of Hubert de Burgh, the governor, made resistance to the progress of Lewis[a]: And the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of short duration between the French and English nobles; and the imprudence of Lewis, who, on every occasion, showed too visible a preference to the former, encreased that jealousy, which it was so natural for the latter to entertain in their present situation[b]. The viscount of Melun, too, it is said, one of his courtiers, fell sick at London, and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families as traitors to their prince, and of bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence[c]. This story, whether true or false, was universally reported and believed; and concurring with other circumstances, which rendered it credible, did great prejudice to the cause of Lewis. The earl of Salisbury and other noblemen deserted again to John's party[d]; and as men easily change sides in a civil war, especially

z M. Paris, p. 195. a Ibid. p. 198. Chron. Dunst. vol. i. p. 75, 76. b W. Heming. p. 559. c M. Paris, p. 199. M. West. p. 277. d Chron. Dunst. vol. i. p. 78.

where

where their power is founded on an hereditary and independant authority, and is not derived from the opinion and favour of the people, the French prince had reaſon to dread a ſudden reverſe of fortune. The king was aſſembling a conſiderable army, with a view of fighting one great battle for his crown; but paſſing from Lynne to Lincolnſhire, his road lay along the ſea-ſhore, which was overflowed at high water; and not chuſing the proper time for his journey, he loſt in the inundation all his carriages, treaſure, baggage, and regalia. The affliction for this diſaſter, and vexation from the diſtracted ſtate of his affairs, encreaſed the ſickneſs under which he then laboured; and though he reached the caſtle of Newark, he was obliged to halt there, and his diſtemper ſoon after put an end to his life, in the forty-ninth year of his age, and eighteenth of his reign; and freed the nation from the dangers, to which it was equally expoſed, by his ſucceſs or by his misfortunes. CHAP. XI. 1216. 17th Octob. Death

THE character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himſelf, and deſtructive to his people. Cowardice, inactivity, folly, levity, licentiouſneſs, ingratitude, treachery, tyranny, and cruelty; all theſe qualities appear too evidently in the ſeveral incidents of his life, to give us room to ſuſpect that the diſagreeable picture has been anywiſe overcharged, by the prejudices of the ancient hiſtorians. It is hard to ſay, whether his conduct to his father, his brother, his nephew, or his ſubjects, was moſt culpable; or whether his crimes in theſe reſpects were not even exceeded by the baſeneſs, which appeared in his tranſactions with the king of France, the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extenſive than have ever, ſince his time, been ruled by any Engliſh monarch: But he firſt loſt by his miſconduct the flouriſhing provinces in France, the ancient patrimony of his family: and character of the king.

CHAP. XI. 1216.

He subjected his kingdom to a shameful vassalage under the see of Rome: He saw the prerogatives of his crown diminished by law, and still more reduced by faction: And he died at last, when in danger of being totally expelled by a foreign power, and of either ending his life miserably in prison, or seeking shelter as a fugitive from the pursuit of his enemies.

THE prejudices against this prince were so violent, that he was believed to have sent an embassy to the Miramoulin or emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchase the protection of that monarch. But though this story is told us, on plausible authority, by Matthew Paris [e], it is in itself utterly improbable; except, that there is nothing so incredible but may be believed to proceed from the folly and wickedness of John.

The monks throw great reproaches on this prince for his impiety and even infidelity; and as an instance of it, they tell us, that, having one day caught a very fat stag, he exclaimed, *How plump and well fed is this animal! and yet I dare swear, he never heard mass* [f]. This sally of wit, upon the usual corpulency of the priests, more than all his enormous crimes and iniquities, made him pass with them for an atheist.

JOHN left two legitimate sons behind him, Henry, born on the first of October, 1207, and now nine years of age; and Richard, born on the sixth of January, 1209; and three daughters, Jane afterwards married to Alexander king of Scots; Eleanor married first to William Mareschal the younger, earl of Pembroke, and then to Simon Mountfort, earl of Leicester; and Isabella married to the emperor Frederic II. All these children were born to him by Isabella of Angoulesme, his second wife.

[e] P. 169. [f] M. Paris, 170.

His

His illegitimate children were numerous; but none of them were any wiſe diſtinguiſhed. CHAP. XI. 1216.

IT was this king, who, in the ninth year of his reign, firſt gave by charter to the city of London, the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city alſo power to elect and remove its ſheriffs at pleaſure, and its common-council-men annually. London bridge was finiſhed in this reign: The former bridge was of wood. Maud the empreſs was the firſt that built a ſtone bridge in England.

APPENDIX II.

The FEUDAL and ANGLO-NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law——Its progreſs——Feudal government of England——The feudal parliament——The commons——Judicial power——Revenue of the crown——Commerce——The church——Civil Laws——Manners.

Appendix II.

THE feudal law is the chief foundation, both of the political government and of the juriſprudence, eſtabliſhed by the Normans in England. Our ſubject therefore requires, that we ſhould form a juſt idea of this law, in order to explain the ſtate, as well of that kingdom, as of all other kingdoms of Europe, which, during thoſe ages, were governed by ſimilar inſtitutions. And though I am ſenſible, that I muſt here repeat many obſervations and reflections, which have been communicated by others [g]; yet, as every book, agreeably to the obſervation of a great hiſtorian [h], ſhould be as complete as poſſible within itſelf, and ſhould never refer, for any thing material, to other books, it will be neceſſary, in this place, to deliver a ſhort plan of that prodigious fabric, which, for ſeveral centuries, preſerved ſuch a mixture of liberty and oppreſſion, order and anarchy, ſtabi-

g L'Eſprit de Loix. Dr. Robertſon's Hiſtory of Scotland.

h Padre Paolo Hiſt. Conc. Trid.

Appendix II.

lity and revolution, as was never experienced in any other age or any other part of the world.

Origin of the feudal law.

AFTER the northern nations had ſubdued the provinces of the Roman empire, they were obliged to eſtabliſh a ſyſtem of government, which might ſecure their conqueſts, as well againſt the revolt of their numerous ſubjects, who remained in the provinces, as from the inroads of other tribes, who might be tempted to raviſh from them their new acquiſitions. The great change of circumſtances made them here depart from thoſe inſtitutions, which prevailed among them, while they remained in the foreſts of Germany; yet was it ſtill natural for them to retain, in their preſent ſettlement, as much of their ancient cuſtoms as was compatible with their new ſituation.

THE German governments, being more a confederacy of independant warriors, than a civil ſubjection, derived their principal force from many inferior and voluntary aſſociations, which individuals formed under a particular head or chieftain, and which it became the higheſt point of honour to maintain with inviolable fidelity. The glory of the chief conſiſted in the number, the bravery, and the zealous attachment of his retainers: The duty of the retainers required, that they ſhould accompany their chief in all wars and dangers, that they ſhould fight and periſh by his ſide, and that they ſhould eſteem his renown or his favour a ſufficient recompence for all their ſervices[i]. The prince himſelf was nothing but a great chieftain, who was choſen from among the reſt, on account of his ſuperior valour or nobility; and who derived his power from the voluntary aſſociation or attachment of the other chieftains.

WHEN a tribe governed by theſe ideas, and actuated by theſe principles, ſubdued a large territory, they found,

[i] Tacit. de Mor. Germ.

that, though it was neceſſary to keep themſelves in a military poſture, they could neither remain united in a body, nor take up their quarters in ſeveral garriſons, and that their manners and inſtitutions debarred them from uſing theſe expedients; the obvious ones, which, in a like ſituation, would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devaſtations inſeparable from ſuch violent conqueſts, rendered it impracticable for them to levy taxes ſufficient for the pay of numerous armies; and their repugnance to ſubordination, with their attachment to rural pleaſures, made the life of the camp or garriſon, if perpetuated during peaceful times, extremely odious and diſguſtful to them. They ſeized, therefore, ſuch a portion of the conquered lands as appeared neceſſary; they aſſigned a ſhare for ſupporting the dignity of their prince and government; they diſtributed other parts, under the title of fiefs, to the chiefs; theſe made a new partition among their retainers; the expreſs condition of all theſe grants was, that they might be reſumed at pleaſure, and that the poſſeſſor, ſo long as he enjoyed them, ſhould ſtill remain in readineſs to take the field for the defence of the nation. And though the conquerors immediately ſeparated, in order to enjoy their new acquiſitions, their martial diſpoſition made them readily fulfil the terms of their engagement: They aſſembled on the firſt alarm; their habitual attachment to the chieftain made them willingly ſubmit to his command; and thus a regular military force, though concealed, was always ready, to defend, on any emergence, the intereſt and honour of the community.

We are not to imagine, that all the conquered lands were ſeized by the northern conquerors; or that the whole of the land thus ſeized was ſubjected to thoſe military ſervices. This ſuppoſition is confuted by the hiſ-

Appendix II.

tory of all the nations on the continent. Even the idea, given us of the German manners by the Roman hiſtorian, may convince us, that that bold people would never have been content with ſo precarious a ſubſiſtence, or have fought to procure eſtabliſhments, which were only to continue during the good pleaſure of their ſovereign. Though the northern chieftains accepted of lands, which, being conſidered as a kind of military pay, might be reſumed at the will of the king or general; they alſo took poſſeſſion of eſtates, which, being hereditary and independant, enabled them to maintain their native liberty, and ſupport, without court-favour, the honour of their rank and family.

Progreſs of the feudal law.

BUT there is a great difference, in the conſequences, between the diſtribution of a pecuniary ſubſiſtence, and the aſſignment of lands burthened with the condition of military ſervice. The delivery of the former, at the weekly, monthly, or annual terms of payment, ſtill recalls the idea of a voluntary gratuity from the prince, and reminds the ſoldier of the precarious tenure by which he holds his commiſſion. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of ſomething like property, and makes the poſſeſſor forget his dependant ſituation, and the condition which was at firſt annexed to the grant. It ſeemed equitable, that one who had cultivated and ſowed a field, ſhould reap the harveſt: Hence fiefs, which were at firſt entirely precarious, were ſoon made annual. A man, who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expence: Hence they were next granted during a term of years. It would be thought hard to expel a man from his poſſeſſions, who had always done his duty, and performed the conditions on which he originally received them: Hence the chieftains, in a ſubſequent period, thought themſelves

themſelves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would more willingly expoſe himſelf in battle, if aſſured, that his family ſhould inherit his poſſeſſions, and ſhould not be left by his death in want and poverty: Hence fiefs were made hereditary in families, and deſcended, during one age, to the ſon, then to the grandſon, next to the brothers, and afterwards to more diſtant relations [k]. The idea of property ſtole in gradually upon that of military pay; and each century made ſome ſenſible addition to the ſtability of fiefs and tenures. Appendix II.

In all theſe ſucceſſive acquiſitions, the chief was ſupported by his vaſſals; who, having originally a ſtrong connexion with him, augmented by the conſtant intercourſe of good offices, and by the friendſhip ariſing from vicinity and dependance, were inclined to follow their leader againſt all his enemies, and voluntarily, in his private quarrels, paid him the ſame obedience, to which by their tenure they were bound in foreign wars. While he daily advanced new pretenſions to ſecure the poſſeſſion of his ſuperior fief, they expected to find the ſame advantage, in acquiring ſtability to their ſubordinate ones; and they zealouſly oppoſed the intruſion of a new lord, who would be inclined, as he was fully intitled, to beſtow the poſſeſſion of their lands on his own favourites and retainers. Thus the authority of the ſovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vaſſals, became too powerful to be expelled by an order from the throne; and he ſecured by law what he had at firſt acquired by uſurpation.

During this precarious ſtate of the ſupreme power, a difference would immediately be experienced between thoſe portions of territory which were ſubjected to the feudal tenures, and thoſe which were poſſeſſed by an allo-

[k] Lib. Feud. lib. 1. tit. 1.

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Appendix II.

dial or free title. Though the latter poſſeſſions had at firſt been eſteemed much preferable, they were ſoon found, by the progreſſive changes introduced into public and private law, to be of an inferior condition to the former. The poſſeſſors of a feudal territory, united by a regular ſubordination under one chief, and by the mutual attachments of the vaſſals, had the ſame advantages over the proprietors of the other, that a diſciplined army enjoys over a diſperſed multitude; and were enabled to commit with impunity all injuries on their defenceleſs neighbours. Every one, therefore, haſtened to ſeek that protection which he found ſo neceſſary; and each allodial proprietor, reſigning his poſſeſſions into the hands of the king, or of ſome nobleman reſpected for power or valour, received them back with the condition of feudal ſervices [1], which, though a burden ſomewhat grievous, brought him ample compenſation, by connecting him with the neighbouring proprietors, and placing him under the guardianſhip of a potent chieftain. The decay of the political government thus neceſſarily occaſioned the extenſion of the feudal: The kingdoms of Europe were univerſally divided into baronies, and theſe into inferior fiefs: And the attachment of vaſſals to their chief, which was at firſt an eſſential part of the German manners, was ſtill ſupported by the ſame cauſes from which it at firſt aroſe; the neceſſity of mutual protection, and the continued intercourſe, between the head and the members, of benefits and ſervices.

But there was another circumſtance, which corroborated theſe feudal dependancies, and tended to connect the vaſſals with their ſuperior lord by an indiſſoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made ſlender advances

[1] Marculf. Form. 47. apud Lindenbr. p. 1238.

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in refinement: They every where united the civil juriſdiction with the military power. Law, in its commencement, was not an intricate ſcience, and was more governed by maxims of equity, which ſeem obvious to common ſenſe, than by numerous and ſubtile principles, applied to a variety of caſes by profound reaſonings from analogy. An officer, though he had paſſed his life in the field, was able to determine all legal controverſies which could occur within the diſtrict committed to his charge; and his deciſions were the moſt likely to meet with a prompt and ready obedience, from men who reſpected his perſon, and were accuſtomed to act under his command. The profit, ariſing from puniſhments, which were then chiefly pecuniary, was another reaſon for his deſiring to retain the judicial power; and when his fief became hereditary, this authority, which was eſſential to it, was alſo tranſmitted to his poſterity. The counts and other magiſtrates, whoſe power was merely official, were tempted, in imitation of the feudal lords, whom they reſembled in ſo many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty in making good their pretenſions. After this manner the vaſt fabric of feudal ſubordination became quite ſolid and comprehenſive; it formed every where an eſſential part of the political conſtitution; and the Norman and other barons, who followed the fortunes of William, were ſo accuſtomed to it, that they could ſcarcely form an idea of any other ſpecies of civil government [m].

The Saxons, who conquered England, as they exterminated the ancient inhabitants, and thought themſelves ſecured by the ſea againſt new invaders, found it leſs re-

[m] The ideas of the feudal government were ſo rooted, that even lawyers, in thoſe ages, could not form a notion of any other conſtitution. *Regnum*, (ſays Bracton, lib. 2. cap. 34.) *quod ex comitatibus & baronibus dicitur eſſe conſtitutum.*

quiſite

Appendix II.

quiſite to maintain themſelves in a military poſture: The quantity of land, which they annexed to offices, ſeems to have been of ſmall value; and for that reaſon continued the longer in its original ſituation, and was always poſſeſſed during pleaſure by thoſe who were intruſted with the command. Theſe conditions were too precarious to ſatisfy the Norman barons, who enjoyed more independant poſſeſſions and juriſdictions in their own country; and William was obliged, in the new diſtribution of land, to copy the tenures, which were now become univerſal on the continent. England of a ſudden became a feudal kingdom [n]; and received all the advantages, and was expoſed to all the inconveniencies, incident to that ſpecies of civil polity.

The feudal government of England.

ACCORDING to the principles of the feudal law, the king was the ſupreme lord of the landed property: All poſſeſſors, who enjoyed the fruits or revenue of any part of it, held thoſe privileges, either mediately or immediately, of him; and their property was conceived to be, in ſome degree, conditional [o]. The land was ſtill apprehended to be a ſpecies of *benefice*, which was the original conception of a feudal property; and the vaſſal owed, in return for it, ſtated ſervices to his baron, as the baron himſelf did for his land to the crown. The vaſſal was obliged to defend his baron in war; and the baron, at the head of his vaſſals, was bound to fight in defence of the king and kingdom. But beſides theſe military ſervices, which were caſual, there were others impoſed of a civil nature, which were more conſtant and durable.

THE northern nations had no idea, that any man, trained up to honour, and enured to arms, was ever to be governed, without his own conſent, by the abſolute will of another; or that the adminiſtration of juſtice was ever

[n] Coke Comm. on Lit. p. 1, 2. ad ſect. 1. p. 109. Smith de Rep. lib. 3. cap. 10.

[o] Somner of Gavelk.

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to be exercised by the private opinion of any one magi- Appendix II.
strate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any service of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their *consent*: And when it was necessary to determine any controversy, which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or *advice*. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons; and these implied all the considerable incidents of government. In one view, the barons regarded this attendance as their principal *privilege*; in another, as a grievous *burden*. That no momentous affairs could be transacted without their consent and advice, was in *general* esteemed the great security of their possessions and dignities: But as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each *particular* exertion of this power; and was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting: This attendance was the chief badge of their subordination to his crown, and drew them from that independance which they were apt to affect in their own castles and manors; and where the meeting was thin or ill attended, its determinations had less authority, and commanded not so ready an obedience from the whole community.

Appendix II.

THE caſe was the ſame with the barons in their courts as with the king in the ſupreme council of the nation. It was requiſite to aſſemble the vaſſals, in order to determine by their vote any queſtion which regarded the barony; and they ſat along with the chief in all trials, whether civil or criminal, which occurred within the limits of their juriſdiction. They were bound to pay ſuit and ſervice at the court of their baron; and as their tenure was military, and conſequently honourable, they were admitted into his ſociety, and partook of his friendſhip. Thus, a kingdom was conſidered only as a great barony, and a barony as a ſmall kingdom. The barons were peers to each other in the national council, and, in ſome degree, companions to the king: The vaſſals were peers to each other in the court of barony, and companions to their baron [p].

BUT though this reſemblance ſo far took place, the vaſſals, by the natural courſe of things, univerſally, in the feudal conſtitutions, fell into a greater ſubordination under the baron, than the baron himſelf under his ſovereign; and theſe governments had a neceſſary and infallible tendency to augment the power of the nobles. The great chief, reſiding in his country-ſeat, which he was commonly allowed to fortify, loſt, in a great meaſure, his connexion or acquaintance with the prince; and added every day new force to his authority over the vaſſals of the barony. They received from him education in all military exerciſes: His hoſpitality invited them to live and enjoy ſociety in his hall: Their leiſure, which was great, made them perpetual retainers on his perſon, and partakers of his country ſports and amuſements: They had no means of gratifying their ambition but by making a figure in his train: His favour and countenance was their greateſt honour: His diſpleaſure expoſed them to contempt and ignominy: And they felt every

[p] Du Cange Gloſſ. in verb. *Par.* Cujac. Commun. in Lib. Feud. lib. 1. tit. p. 18. Spelm. Gloſſ. in verb.

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moment the neceſſity of his protection, both in the controverſies which occurred with other vaſſals, and what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the ſovereign, who marched at the head of his armies, and was the great protector of the ſtate, always acquired ſome acceſſion to his authority, which he loſt during the intervals of peace and tranquillity: But the looſe police, incident to the feudal conſtitutions, maintained a perpetual, though ſecret hoſtility, between the ſeveral members of the ſtate; and the vaſſals found no means of ſecuring themſelves againſt the injuries, to which they were continually expoſed, but by cloſely adhering to their chief, and falling into a ſubmiſſive dependance upon him.

If the feudal government was ſo little favourable to the true liberty even of the military vaſſal, it was ſtill more deſtructive of the independance and ſecurity of the other members of the ſtate, or what in a proper ſenſe we call the people. A great part of them were *ſerfs*, and lived in a ſtate of abſolute ſlavery or villainage: The other inhabitants of the country paid their rent in ſervices, which were in a great meaſure arbitrary; and they could expect no redreſs of injuries, in a court of barony, from men, who thought they had a right to oppreſs and tyrannize over them: The towns were ſituated either within the demeſnes of the king, or the lands of the great barons, and were almoſt entirely ſubjected to the abſolute will of their maſter. The languiſhing ſtate of commerce kept the inhabitants poor and contemptible; and the political inſtitutions were calculated to render that poverty perpetual. The barons and gentry, living in ruſtic plenty and hoſpitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: Every profeſſion was held in contempt but that of arms: And if any merchant or manufacturer roſe by induſtry

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Appendix II.

and frugality to a degree of opulence, he found himself but the more expoſed to injuries, from the envy and avidity of the military nobles.

THESE concurring cauſes gave the feudal governments ſo ſtrong a bias towards ariſtocracy, that the royal authority was extremely eclipſed in all the European ſtates; and, inſtead of dreading the growth of monarchical power, we might rather expect, that the community would every where crumble into ſo many independant baronies, and loſe the political union, by which they were cemented. In elective monarchies, the event was commonly anſwerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raiſed themſelves almoſt to a ſtate of ſovereignty, and ſacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority, which was not ſo eaſily ſubverted; and there were ſeveral cauſes, which ſtill maintained a degree of influence in the hands of the ſovereign.

THE greateſt baron could never loſe view entirely of thoſe principles of the feudal conſtitution, which bound him, as a vaſſal, to ſubmiſſion and fealty towards his prince; becauſe he was every moment obliged to have recourſe to thoſe principles, in exacting fealty and ſubmiſſion from his own vaſſals. The leſſer barons, finding that the annihilation of royal authority left them expoſed without protection to the inſults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had ſtill a ſtronger intereſt to deſire the grandeur of the ſovereign; and the king, being the legal magiſtrate, who ſuffered by every internal convulſion or oppreſſion, and who regarded the great nobles as his immediate rivals, aſſumed the ſalutary office of general guardian or protector of the commons. Beſides the prerogatives with which

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the law inveſted him; his large demeſnes and numerous retainers rendered him, in one ſenſe, the greateſt baron in his kingdom; and where he was poſſeſſed of perſonal vigour and abilities (for his ſituation required theſe advantages) he was commonly able to preſerve his authority, and maintain his ſtation as head of the community, and the chief fountain of law and juſtice.

THE firſt kings of the Norman race were favoured by another circumſtance, which preſerved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military poſture, and to maintain great ſubordination under their leader, in order to ſecure themſelves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumſtance ſupported the authority of William and his immediate ſucceſſors, and rendered them extremely abſolute, it was loſt as ſoon as the Norman barons began to incorporate with the nation, to acquire a ſecurity in their poſſeſſions, and to fix their influence over their vaſſals, tenants, and ſlaves. And the immenſe fortunes, which the Conqueror had beſtowed on his chief captains, ſerved to ſupport their independance, and make them formidable to the ſovereign.

HE gave, for inſtance, to Hugh de Abrincis, his ſiſter's ſon, the whole county of Cheſter, which he erected into a palatinate, and rendered by his grant almoſt independant of the crown [q]. Robert, earl of Mortaigne had 973 manors and lordſhips: Allan, earl of Britanny and Richmond, 442: Odo, biſhop of Baieux, 439 [r]: Geoffrey, biſhop of Coutance, 280 [s]: Walter Giffard, earl of Buckingham, 107: William, earl Warrenne, 298, beſides 28 towns or hamlets in Yorkſhire: Todenei, 81: Roger

q Cambd. in Cheſh. Spel. Gloſſ. in verb. *Comes Palatinus*.
r Brady's Hiſt. p. 198, 200. s Order. Vital.

Appendix II.

Bigod, 123: Robert, earl of Eu, 119: Roger Mortimer, 132, beſides ſeveral hamlets: Robert de Stafford, 130: Walter de Eurus, earl of Saliſbury, 46: Geoffrey de Mandeville, 118: Richard de Clare, 171: Hugh de Beauchamp, 47: Baldwin de Ridvers, 164: Henry de Ferrers, 222: William de Percy, 119[t]: Norman d'Arcy, 33[u]. Sir Henry Spelman computes, that, in the large county of Norfolk, there were not, in the Conqueror's time, above ſixty-ſix proprietors of land[w]. Men, poſſeſſed of ſuch princely revenues and juriſdictions, could not long be retained in the rank of ſubjects. The great earl Warrenne, in a ſubſequent reign, when he was queſtioned concerning his right to the lands which he poſſeſſed, drew his ſword, which he produced as his title; adding, that William the Baſtard did not conquer the kingdom himſelf; but that the barons, and his anceſtor among the reſt, were joint adventurers in the enterprize[x].

The feudal parliament.

THE ſupreme legiſlative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbiſhops, biſhops, and moſt conſiderable abbots were conſtituent members of this council. They ſat by a double title: By preſcription, as having always poſſeſſed that privilege, through the whole Saxon period, from the firſt eſtabliſhment of Chriſtianity; and by their right of baronage, as holding of the king *in capite* by military ſervice. Theſe two titles of the prelates were never accurately diſtinguiſhed. When the uſurpations of the church had riſen to ſuch a height, as to make the biſhops affect a ſeparate dominion, and regard their ſeat in parliament

[t] Dugdale's Baronage, from Domeſday-book, vol. i. p. 60. 74. iii. 112. 132. 136. 138. 156. 174. 200. 207. 223. 254. 257. 269.

[u] Ibid. p. 369. It is remarkable that this family of d'Arcy, ſeems to be the only male deſcendants of any of the Conqueror's barons now remaining among the peers. Lord Holderneſſe is the heir of that family.

[w] Spel. Gloſſ. in verb. *Domeſday*. [x] Dug. Bar. vol. i. p. 79. Ibid. Origines Juridiciales, p. 13.

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as a degradation of their epiſcopal dignity; the king inſiſted, that they were barons, and, on that account, obliged, by the general principles of the feudal law, to attend on him in his great councils [y]. Yet there ſtill remained ſome practices, which ſuppoſed their title to be derived merely from ancient poſſeſſion: When a biſhop was elected, he ſat in parliament before the king had made him reſtitution of his temporalities; and during the vacancy of a ſee, the guardian of the ſpiritualities was ſummoned to attend along with the biſhops. Appendix II.

THE barons were another conſtituent part of the great council of the nation. Theſe held immediately of the crown by a military tenure: They were the moſt honourable members of the ſtate, and had a *right* to be conſulted in all public deliberations: They were the immediate vaſſals of the crown, and owed as a *ſervice* their attendance in the court of their ſupreme lord. A reſolution, taken without their conſent, was likely to be but ill executed: And no determination of any cauſe or controverſy among them had any validity, where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were alſo barons, they were conſidered as military vaſſals of the crown, were admitted in that capacity into the general council, and formed the moſt honourable and powerful branch of it.

BUT there was another claſs of the immediate military tenants of the crown, no leſs or probably more numerous than the barons, the tenants *in capite* by knights ſervice; and theſe, however inferior in power or property, held by a tenure, which was equally honourable with that of the others. A barony was commonly compoſed of ſeveral knights fees: And though the number ſeems not to have been exactly defined, ſeldom conſiſted of leſs than fifty

[y] Spel. Gloſſ. in verb. *Baro*.

Appendix II.

hydes of land[z]: But where a man held of the king only one or two knights fees, he was ſtill an immediate vaſſal of the crown, and as ſuch had a title to have a ſeat in the general councils. But as this attendance was uſually eſteemed a burthen, and one too great for a man of ſlender fortune to bear conſtantly; it is probable, that, though he had a title, if he pleaſed, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Domeſday-book was framed; and as the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely to become too numerous for the diſpatch of public buſineſs.

The commons.

So far the nature of a general council or ancient parliament is determined without any doubt or controverſy. The only queſtion ſeems to be with regard to the commons, or the repreſentatives of counties and boroughs; whether they were alſo, in more early times, conſtituent parts of parliament? This queſtion was once diſputed in England with great acrimony: But ſuch is the force of time and evidence, that they can ſometimes prevail even over faction; and the queſtion ſeems, by general conſent, and even by their own, to be at laſt determined againſt the ruling party. It is agreed, that the commons were no part of the great council, till ſome ages after the conqueſt; and that the military tenants alone of the crown compoſed that ſupreme and legiſlative aſſembly.

THE vaſſals of a baron were by their tenure immediately dependant on him, owed attendance at his court, and paid all their duty to the king, through that depend-

[z] Four hydes made one knight's fee: The relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its uſual value. Spelm. Gloſſ. in verb. *Feodum*. There were 243 600 hydes in England, and 60,215 knights fees; whence it is evident that there were a little more than four hydes in each knight's fee.

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ance which their lord was obliged by *his* tenure to acknowledge to his ſovereign and ſuperior. Their land, comprehended in the barony, was repreſented in parliament by the baron himſelf, who was ſuppoſed, according to the fictions of the feudal law, to poſſeſs the direct property of it; and it would have been deemed incongruous to give it any other repreſentation. They ſtood in the ſame capacity to him, that he and the other barons did to the king: The former were peers of the barony; the latter were peers of the realm: The vaſſals poſſeſſed a ſubordinate rank within their diſtrict; the baron enjoyed a ſuperior dignity in the great aſſembly: They were in ſome degree his companions at home; he the king's companion at court: And nothing can be more evidently repugnant to all feudal ideas, and to that gradual ſubordination, which was eſſential to thoſe ancient inſtitutions, than to imagine that the king would apply either for the advice or conſent of men, who were of a rank ſo much inferior, and whoſe duty was immediately paid to the *meſne* lord, that was interpoſed between them and the throne [a].

If it be unreaſonable to think, that the vaſſals of a barony, though their tenure was military and noble and honourable, were ever ſummoned to give their opinion in national councils, much leſs can it be ſuppoſed, that the tradeſmen or inhabitants of boroughs, whoſe condition was ſo much inferior, would be admitted to that privilege. It appears from Domeſday, that the greateſt boroughs were, at the time of the conqueſt, ſcarcely more than country villages; and that the inhabitants lived in entire dependance on the king or great lords, and were of a ſtation little better than ſervile [b]. They were not then ſo much as incorporated; they formed no community; were

[a] Spelm. Gloſſ. in verb. *Baro*.

[b] *Liber homo* anciently ſignified a gentleman: For ſcarce any one beſide was entirely free. Spelm. Gloſſ. in verbo.

Appendix II.

not regarded as a body politic; and being really nothing but a number of low dependant tradesmen, living, without any particular civil tie, in neighbourhood together, they were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than England, the first corporation is sixty years posterior to the conquest under the duke of Normandy; and the erecting of these communities was an invention of Lewis the Gross, in order to free the people from slavery under the lords, and to give them protection, by means of certain privileges and a separate jurisdiction [c]. An ancient French writer calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters [d]. The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves [e]. By the English feudal law, the superior lord was prohibited from marrying his female ward to a burgess or a villain [f]; so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides possessing the advantages of birth, riches, civil powers and privileges, the nobles and gentlemen alone were armed; a circumstance, which gave them a mighty superiority, in an age when nothing but the military profession was honourable, and when the loose execution of laws gave so much encouragement to open violence, and rendered it so decisive in all disputes and controversies [g].

THE great similarity among the feudal governments of Europe is well known to every man, that has any

[c] Du Cange's Gloss. in verb. *commune, communitas*.
[d] Guibertus, de vita sua, lib. 3. cap. 7.
[e] Stat. of Merton, 1235. cap. 6.
[f] Holingshed, vol. iii. p. 15.
[g] Madox's Baron. Angl. p. 19.

acquaintance

acquaintance with ancient history; and the antiquaries of all foreign countries, where the question was never embarrassed by party disputes, have allowed, that the commons came very late to be admitted to a share in the legislative power. In Normandy particularly, whose constitution was most likely to be William's model in raising his new fabric of English government, the states were entirely composed of the clergy and nobility; and the first incorporated boroughs or communities of that dutchy were Roüen and Falaise, which enjoyed their privileges by a grant of Philip Augustus in the year 1207 [h]. All the ancient English historians, when they mention the great council of the nation, call it an assembly of the baronage, nobility, or great men; and none of their expressions, though several hundred passages might be produced, can, without the utmost violence, be tortured to a meaning, which will admit the commons to be constituent members of that body [i]. If in the long period of 200 years, which elapsed between the Conquest and the latter end of Henry III. and which abounded in factions, revolutions, and convulsions of all kinds, the house of commons never performed one single legislative act, so considerable as to be once mentioned by any of the numerous historians of that age, they must have been totally

h Norman. Du Chesnii, p. 1066. Du Cange Gloss. in verb. *commune*.

i Sometimes the historians mention the people, *populus*, as a part of the parliament: But they always mean the laity, in opposition to the clergy. Sometimes, the word, *communitas*, is found; but it always means *communitas baronagii*. These points are clearly proved by Dr. Brady. There is also mention sometimes made of a crowd or multitude that thronged into the great council on particular interesting occasions; but as deputies from boroughs are never once spoke of, the proof, that they had not then any existence, becomes the most certain and undeniable. These never could make a crowd, as they must have had a regular place assigned them, if they had made a regular part of the legislative body. There were only 130 boroughs who received writs of summons from Edward I. It is expressly said in Gesta Reg. Steph. p. 932, that it was usual for the populace, *vulgus*, to crowd into the great councils; where they were plainly mere spectators, and could only gratify their curiosity.

Appendix II.

inſignificant: And in that caſe, what reaſon can be aſſigned for their ever being aſſembled? Can it be ſuppoſed, that men of ſo little weight or importance poſſeſſed a negative voice againſt the king and the barons? Every page of the ſubſequent hiſtories diſcovers their exiſtence; though theſe hiſtories are not written with greater accuracy than the preceding ones, and indeed ſcarcely equal them in that particular. The *Magna Charta* of king John provides, that no ſcutage or aid ſhould be impoſed, either on the land or towns, but by conſent of the great council; and for more ſecurity, it enumerates the perſons entitled to a ſeat in that aſſembly, the prelates and immediate tenants of the crown, without any mention of the commons: An authority ſo full, certain, and explicite, that nothing but the zeal of party could ever have procured credit to any contrary hypotheſis.

It was probably the example of the French barons, which firſt emboldened the Engliſh to require greater independance from their ſovereign: It is alſo probable, that the boroughs and corporations of England were eſtabliſhed in imitation of thoſe of France. It may, therefore, be propoſed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

In ancient times, men were little ſolicitous to obtain a place in the legiſlative aſſemblies; and rather regarded their attendance as a burden, which was not compenſated by any return of profit or honour, proportionate to the trouble and expence. The only reaſon for inſtituting thoſe public councils, was; on the part of the ſubject, that they deſired ſome ſecurity from the attempts of arbitrary power; and on the part of the ſovereign, that he deſpaired of governing men of ſuch independant ſpirits without their own conſent and concurrence. But the

commons, or the inhabitants of boroughs, had not as yet reached ſuch a degree of conſideration, as to deſire *ſecurity* againſt their prince, or to imagine, that, even if they were aſſembled in a repreſentative body, they had power or rank ſufficient to enforce it. The only protection, which they aſpired to, was againſt the immediate violence and injuſtice of their fellow-citizens; and this advantage each of them looked for, from the courts of juſtice, or from the authority of ſome great lord, to whom, by law or his own choice, he was attached. On the other hand, the ſovereign was ſufficiently aſſured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reaſon to apprehend, that any order of the ſtate could reſiſt his and their united authority. The military ſub-vaſſals could entertain no idea of oppoſing both their prince and their ſuperiors: The burgeſſes and tradeſmen could much leſs aſpire to ſuch a thought: And thus, even if hiſtory were ſilent on the head, we have reaſon to conclude, from the known ſituation of ſociety during thoſe ages, that the commons were never admitted as members of the legiſlative body. Appendix II.

THE *executive* power of the Anglo-Norman government was lodged in the king. Beſides the ſtated meetings of the national council at the three great feſtivals of Chriſtmas, Eaſter, and Whitſuntide [1], he was accuſtomed, on any ſudden exigence, to ſummon them together. He could at his pleaſure command the attendance of his barons and their vaſſals, in which conſiſted the military force of the kingdom; and could employ them, during forty days, either in reſiſting a foreign enemy, or reducing his rebellious ſubjects. And what was of great importance, the whole *judicial* power was ultimately in his hands, and was exerciſed by officers and miniſters of his appointment.

1 Dugd. Orig. Jurid. p. 15. Spelm. Gloſſ. in verbo *parliamentum*.

THE

Appendix II.

Judicial power.

THE general plan of the Anglo-Norman government was, that the court of barony was appointed to decide ſuch controverſies as aroſe between the ſeveral vaſſals or ſubjects of the ſame barony; the hundred-court and county-court, which were ſtill continued as during the Saxon times [m], to judge between the ſubjects of different baronies [n]; and the *curia Regis* or king's court, to give ſentence among the barons themſelves [o]. But this plan, though ſimple, was attended with ſome circumſtances, which, being derived from a very extenſive authority, aſſumed by the Conqueror, contributed to increaſe the royal prerogative; and as long as the ſtate was not diſturbed by arms, reduced every order of the community to ſome degree of dependance and ſubordination.

THE king himſelf often ſat in his court, which always attended his perſon [p]: He there heard cauſes and pronounced judgment [q]; and though he was aſſiſted by the advice of the other members, it is not to be imagined that a deciſion could eaſily be obtained contrary to his inclination or opinion. In his abſence the chief juſticiary preſided, who was the firſt magiſtrate in the ſtate, and a kind of viceroy, on whom depended all the civil affairs

[m] Ang. Sacra, vol. i. p. 334, &c. Dugd. Orig. Jurid. p. 27. 29. Madox Hiſt. of Exch. p. 75, 76. Spelm. Gloſſ. in verbo *hundred*.

[n] None of the feudal governments in Europe had ſuch inſtitutions as the county-courts, which the great authority of the Conqueror ſtill retained from the Saxon cuſtoms. All the freeholders of the county, even the greateſt barons, were obliged to attend the ſheriffs in theſe courts, and to aſſiſt them in the adminiſtration of juſtice. By this means, they received frequent and ſenſible admonitions of their dependance on the king or ſupreme magiſtrate: They formed a kind of community with their fellow barons and freeholders: They were often drawn from their individual and independant ſtate, peculiar to the feudal ſyſtem; and were made members of a political body: And perhaps, this inſtitution of county-courts in England has had greater effects on the government, than has yet been diſtinctly pointed out by hiſtorians or traced by antiquaries. The barons were never able to free themſelves from this attendance on the ſheriffs and itinerant juſtices till the reign of Henry III.

[o] Brady Pref. p. 143. [p] Madox Hiſt. of Exch. p. 103. [q] Bracton. lib. 3. cap. 9. § 1. cap. 10. § 1.

Appendix II.

of the kingdom [r]. The other chief officers of the crown, the conſtable, mareſchal, ſeneſchal, chamberlain, treaſurer, and chancellor [s], were members, together with ſuch feudal barons as thought proper to attend, and the barons of the exchequer, who at firſt were alſo feudal barons, appointed by the king [t]. This court, which was ſometimes called the King's court, ſometimes the court of Exchequer, judged in all cauſes, civil and criminal, and comprehended the whole buſineſs, which is now ſhared out among four courts, the Chancery, the King's Bench, the Common Pleas, and the Exchequer [u].

Such an accumulation of powers was itſelf a great ſource of authority, and rendered the juriſdiction of the court formidable to all the ſubjects; but the turn, which judicial trials took ſoon after the Conqueſt, ſerved ſtill more to increaſe its authority, and to augment the royal prerogatives. William, among the other violent changes, which he attempted and effected, had introduced the Norman law into England [w], had ordered all the pleadings to be in that tongue, and had interwoven, with the Engliſh juriſprudence, all the maxims and principles, which the Normans, more advanced in cultivation, and naturally litigious, were accuſtomed to obſerve in the diſtribution of juſtice. Law now became a ſcience, which at firſt fell entirely into the hands of the Normans; and which, even after it was communicated to the Engliſh, required ſo much ſtudy and application, that the laity, in thoſe ignorant ages, were incapable of attaining it, and it was a myſtery almoſt ſolely confined to the clergy, and chiefly to the monks [x]. The great

[r] Spelm. Gloſſ. in verbo *juſticiarii*. [s] Madox Hiſt. Exch. p. 27. 29. 33. 38. 41. 54. The Normans introduced the practice of ſealing charters; and the chancellor's office was to keep the Great Seal. *Ingulph. Dugd.* p. 33, 34. [t] Madox Hiſt. of the Exch. p. 134, 135. Gerv. Dorob. p. 1387. [u] Madox Hiſt. of the Exch. p. 56. 70. [w] Dial. de Scac. p. 30. apud Madox Hiſt. of the Exchequer. [x] Malmeſ. lib. 4. p. 123.

officers

Appendix II.

officers of the crown and the feudal barons, who were military men, found themſelves unfit to penetrate into thoſe obſcurities; and though they were entitled to a ſeat in the ſupreme judicature, the buſineſs of the court was wholly managed by the chief juſticiary and the law barons, who were men appointed by the king, and entirely at his diſpoſal [y]. This natural courſe of things was forwarded by the multiplicity of buſineſs, which flowed into that court, and which daily augmented by the appeals from all the ſubordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the king's court, except upon the denial or delay of juſtice by the inferior courts; and the ſame practice was ſtill obſerved in moſt of the feudal kingdoms of Europe. But the great power of the Conqueror eſtabliſhed at firſt in England an authority, which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: He empowered his court to receive appeals both from the courts of barony and the county-courts, and by that means brought the adminiſtration of juſtice ultimately into the hands of the ſovereign [z]. And leſt the expence or trouble of a journey to court ſhould diſcourage ſuitors, and make them acquieſce in the deciſion of the inferior judicatures, itinerant judges were afterwards eſtabliſhed, who made their circuits throughout the kingdom, and tried all cauſes that were brought before them [a]. By this expedient, the courts of barony were kept in awe; and if they ſtill pre-

y Dugd. Orig. Jurid. p. 25.

z Madox Hiſt. of the Exch. p. 65. Glanv. lib. 12. cap. 1. 7. LL. Hen. I. § 31. apud Wilkins, p. 248. Fitz Stephens, p. 36. Coke's Comment. on the Statute of Mulbridge, cap. 20.

a Madox Hiſt. of the Exch. p. 83, 84. 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily ſubmit to appeals from their court to the King's court of Exchequer, was, their being accuſtomed to like appeals in Normandy to the ducal court of Exchequer. See Gilbert's Hiſtory of the Exchequer, p. 1, 2.; though the author thinks it doubtful, whether the Norman court was not rather copied from the Engliſh, p. 6.

ſerved

Appendix II.

ſerved ſome influence, it was only from the apprehenſions, which the vaſſals might entertain, of diſobliging their ſuperior, by appealing from his juriſdiction. But the county-courts were much diſcredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all buſineſs before the king's judges, and abandoned the ancient ſimple and popular judicature. After this manner, the formalities of juſtice, which, though they appear tedious and cumberſome, are found requiſite to the ſupport of liberty in all monarchical governments, proved at firſt, by a combination of cauſes, very advantageous to royal authority in England.

Revenue of the crown.

THE power of the Norman kings was alſo much ſupported by a great revenue; and by a revenue, that was fixed, perpetual, and independant of the ſubject. The people, without betaking themſelves to arms, had no check upon the king, and no regular ſecurity for the due adminiſtration of juſtice. In thoſe days of violence, many inſtances of oppreſſion paſſed unheeded; and ſoon after were openly pleaded as precedents, which it was unlawful to diſpute or controul. Princes and miniſters were too ignorant to be themſelves ſenſible of the advantages attending an equitable adminiſtration; and there was no eſtabliſhed council or aſſembly which could protect the people, and, by withdrawing ſupplies, regularly and peaceably admoniſh the king of his duty, and enſure the execution of the laws.

THE firſt branch of the king's ſtated revenue was the royal demeſnes or crown-lands, which were very extenſive, and comprehended, beſide a great number of manors, moſt of the chief cities of the kingdom. It was eſtabliſhed by law, that the king could alienate no part of his demeſne, and that he himſelf, or his ſucceſſor, could, at any time, reſume ſuch donations [b]: But this law was

[b] Fleta, lib. 1. cap. 8. § 17. lib. 3. cap. 6. § 3. Bracton, lib. 2. cap. 5.

never

Appendix II.

never regularly obſerved; which happily rendered in time the crown ſomewhat more dependant. The rent of the crown-lands, conſidered merely as ſo much riches, was a ſource of power: The influence of the king over his tenants and the inhabitants of his towns, encreaſed this power: But the other numerous branches of his revenue, beſides ſupplying his treaſury, gave, by their very nature, a great latitude to arbitrary authority, and were a ſupport of the prerogative; as will appear from an enumeration of them.

THE king was never content with the ſtated rents, but levied heavy talliages at pleaſure on the inhabitants both of town and country, who lived within his demeſne. All bargains of ſale, in order to prevent theft, being prohibited, except in boroughs and public markets [c], he pretended to exact tolls on all goods which were there ſold [d]. He ſeized two hogſheads, one before and one behind the maſt, from every veſſel that imported wine. All goods payed to his cuſtoms a proportional part of their value [e]: Paſſage over bridges and on rivers was loaded with tolls at pleaſure [f]: And though the boroughs by degrees brought the liberty of farming theſe impoſitions, yet the revenue profited by theſe bargains, new ſums were often exacted for the renewal and confirmation of their charters [g], and the people were thus held in perpetual dependance.

SUCH was the ſituation of the inhabitants within the royal demeſnes. But the poſſeſſors of land, or the military tenants, though they were better protected, both by law, and by the great privilege of carrying arms, were, from the nature of their tenures, much expoſed to the inroads of power, and poſſeſſed not what we ſhould

[c] LL. Will. 1. cap. 61. [d] Madox, p. 530. [e] Ibid. p. 529. This author ſays a fifteenth. But it is not eaſy to reconcile this account to other authorities. [f] Madox, p. 529. [g] Madox's Hiſt. of the Exch. p. 275, 276, 277, &c.

eſteem

eſteem in our age a very durable ſecurity. The Conqueror ordained, that the barons ſhould be obliged to pay nothing beyond their ſtated ſervices [g], except a reaſonable aid to ranſom his perſon if he were taken in war, to make his eldeſt ſon a knight, and to marry his eldeſt daughter. What ſhould, on theſe occaſions, be deemed a reaſonable aid, was not determined; and the demands of the crown were ſo far diſcretionary.

THE king could require in war the perſonal attendance of his vaſſals, that is, of almoſt all the landed proprietors; and if they declined the ſervice, they were obliged to pay him a compoſition in money, which was called a ſcutage. The ſum was, during ſome reigns, precarious and uncertain; it was ſometimes levied without allowing the vaſſal the liberty of perſonal ſervice [h]; and it was a uſual artifice of the king's to pretend an expedition, that he might be entitled to levy the ſcutage from his military tenants. Danegelt was another ſpecies of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror [i]. Moneyage was alſo a general land-tax of the ſame nature, levied by the two firſt Norman kings, and aboliſhed by the charter of Henry I. [k] It was a ſhilling paid every three years by each hearth, to induce the king not to uſe his prerogative in debaſing the coin. Indeed, it appears from that charter, that, though the Conqueror had granted his military tenants an immunity from all taxes and talliages, he and his ſon William had never thought themſelves bound to obſerve that rule, but had levied impoſitions at pleaſure on all the landed eſtates of the kingdom. The utmoſt that Henry grants, is, that the land cultivated by the military tenant himſelf ſhall not be ſo burdened; but he reſerves the power of taxing the farmers: And as it is

g LL. Will. Conq. § 55.
h Gervaſe de Tilbury, p. 25.
i Madox's Hiſt. of the Exch. p. 475.
k Matth. Paris, p. 38.

Appendix II.

known, that Henry's charter was never obſerved in any one article, we may be aſſured, that this prince and his ſucceſſors retracted even this ſmall indulgence, and levied arbitrary impoſitions on all the lands of all their ſubjects. Theſe taxes were ſometimes very heavy; ſince Malmeſbury tells us, that, in the reign of William Rufus, the farmers, on account of them, abandoned tillage, and a famine enſued [l].

THE eſcheats were a great branch both of power and of revenue, eſpecially during the firſt reigns after the conqueſt. In default of poſterity from the firſt baron, his land reverted to the crown, and continually augmented the king's poſſeſſions. The prince had indeed by law a power of alienating theſe eſcheats; but by this means he had an opportunity of eſtabliſhing the fortunes of his friends and ſervants, and thereby enlarging his authority. Sometimes he retained them in his own hands; and they were gradually confounded with the royal demeſnes, and became difficult to be diſtinguiſhed from them. This confuſion is probably the reaſon why the king acquired the right of alienating his demeſnes.

BUT beſides eſcheats from default of heirs, thoſe which enſued from crimes or breach of duty towards the ſuperior lord, were frequent in ancient times. If the vaſſal, being thrice ſummoned to attend his ſuperior's court, and do fealty, neglected or refuſed obedience, he forfeited all title to his land [m]. If he denied his tenure, or refuſed his ſervice, he was expoſed to the ſame penalty [n]. If he ſold his eſtate without licence from his lord [o], or if he ſold it upon any other tenure or title than that by which he himſelf held it [p], he loſt all right to it. The adhering

l So alſo Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366.

m Hottom. de Feud. Diſp. cap. 38. col. 886. n Lib. Feud. lib. 3. tit. 1.; lib. 4. tit. 21. 39. o Lib. Feud. lib. 1. tit. 21.

p Id. lib. 4. tit. 44.

to

to his lord's enemies [q], deſerting him in war [r], betraying his ſecrets [s], debauching his wife or his near relations [t], or even uſing indecent freedoms with them [u], might be puniſhed by forfeiture. The higher crimes, rapes, robbery, murder, arſon, &c. were called felony; and being interpreted want of fidelity to his lord, made him loſe his fief [w]. Even where the felon was vaſſal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain poſſeſſion of his eſtate during a twelvemonth, and had the right of ſpoiling and deſtroying it, unleſs the baron paid him a reaſonable compoſition [x]. We have not here enumerated all the ſpecies of felonies, or of crimes by which forfeiture was incurred: We have ſaid enough to prove, that the poſſeſſion of feudal property was anciently ſomewhat precarious, and that the primary idea was never loſt, of its being a kind of *fee* or *benefice*.

When a baron died, the king immediately took poſſeſſion of the eſtate; and the heir, before he recovered his right, was obliged to make application to the crown, and deſire that he might be admitted to do homage for his land, and pay a compoſition to the king. This compoſition was not at firſt fixed by law, at leaſt by practice: The king was often exorbitant in his demands, and kept poſſeſſion of the land till they were complied with.

If the heir were a minor, the king retained the whole profit of the eſtate till his majority; and might grant what ſum he thought proper for the education and maintenance of the young baron. This practice was alſo founded on the notion, that a fief was a benefice, and that, while the heir could not perform his military ſer-

[q] Lib. Feud. lib. 3. tit. 1. [r] Id. lib. 4. tit. 14. 21. [s] Id. lib. 4. tit. 14. [t] Id. lib. 1. tit. 14. 21. [u] Id. lib. 1. tit. 1. [w] Spelm. Gloſſ. in verb. *Felonia*. [x] Spelm. Gloſſ. in verb. *Felonia*. Glanville, lib. 7. cap. 17.

Appendix II.

vices, the revenue devolved to the ſuperior, who employed another in his ſtead. It is obvious, that a great proportion of the landed property muſt, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in perpetual dependance. When the king granted the wardſhip of a rich heir to any one, he had the opportunity of enriching a favourite or miniſter: If he ſold it, he thereby levied a conſiderable ſum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immenſe ſum in thoſe days, for the wardſhip of Gilbert de Umfreville [y]. Geoffrey de Mandeville payed to the ſame prince the ſum of 20,000 marks, that he might marry Iſabel counteſs of Glouceſter, and poſſeſs all her lands and knights fees. This ſum would be equivalent to 300,000, perhaps 400,000 pounds in our time [z].

If the heir were a female, the king was entitled to offer her any huſband of her rank he thought proper; and if ſhe refuſed him, ſhe forfeited her land. Even a male heir could not marry without the royal conſent, and it was uſual for men to pay large ſums for the liberty of making their own choice in marriage [a]. No man could diſpoſe of his land, either by ſale or will, without the conſent of his ſuperior. The poſſeſſor was never conſidered as full proprietor: He was ſtill a kind of beneficiary; and could not oblige his ſuperior to accept of any vaſſal, that was not agreeable to him.

Fines, amerciaments, and oblatas, as they were called, were another conſiderable branch of the royal power and revenue. The ancient records of the exchequer, which are ſtill preſerved, give ſurprizing accounts of the numerous fines and amerciaments levied in thoſe days [b], and of the ſtrange inventions fallen upon to exact money from

[y] Madox's Hiſt. of the Exch. p. 223. [z] Id. p. 322.
[a] Id. p. 320. [b] Id. p. 272.

the

Appendix II.

the ſubject. It appears, that the ancient kings of England put themſelves entirely on the foot of the barbarous eaſtern princes, whom no man muſt approach without a preſent, who ſell all their good offices, and who intrude themſelves into every buſineſs, that they may have a pretence for extorting money. Even juſtice was avowedly bought and ſold; the king's court itſelf, though the ſupreme judicature of the kingdom, was open to none that brought not preſents to the king; the bribes given for the expedition, delay [c], ſuſpenſion, and, doubtleſs, for the perverſion of juſtice, were entered in the public regiſters of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for inſtance, the firſt nobility of the kingdom, were not aſhamed to inſert, as an article in their records, that the county of Norfolk paid a ſum, that they might be fairly dealt with [d]; the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated [e]; Richard, ſon of Gilbert, for the king's helping him to recover his debt from the Jews [f]; Serlo, ſon of Terlavaſton, that he might be permitted to make his defence, in caſe he were accuſed of a certain homicide [g]; Walter de Burton for free law, if accuſed of wounding another [h]; Robert de Eſſart, for having an inqueſt to find whether Roger, the butcher, and Wace and Humphrey, accuſed him of robbery and theft out of envy and ill-will, or not [i]; William Buhurſt, for having an inqueſt to find whether he were accuſed of the death of one Godwin out of ill-will or for juſt cauſe [k]. I have ſelected theſe few inſtances from a great number of a like kind, which Madox had ſelected from a ſtill greater number, preſerved in the ancient rolls of the exchequer [l].

[c] Madox's Hiſt. of Exch. p. 274. 309. [d] Id. p. 295.
[e] Id. ibid. [f] Id. p. 296. He paid 200 marks, a great ſum in thoſe days. [g] Id. p. 296. [h] Id. ibid. [i] Id. p. 298.
[k] Id. p. 302. [l] Chap. xii.

Appendix II.

SOMETIMES the party litigant offered the king a certain portion, a half, a third, a fourth, payable out of the debts, which he, as the executor of juſtice, ſhould aſſiſt him in recovering [m]. Theophania de Weſtland agreed to pay the half of 212 marks, that ſhe might recover that ſum againſt James de Fughleſton [n]; Solomon the Jew engaged to pay one mark out of every ſeven that he ſhould recover againſt Hugh de la Hoſe [o]; Nicholas Morrel promiſed to pay ſixty pounds, that the earl of Flanders might be diſtrained to pay him 343 pounds, which the earl had taken from him; and theſe ſixty pounds were to be paid out of the firſt money that Nicholas ſhould recover from the earl [p].

As the king aſſumed the entire power over trade, he was to be paid for a permiſſion to exerciſe commerce or induſtry of any kind [q]. Hugh Oiſel paid 400 marks for liberty to trade in England [r]: Nigel de Havene gave fifty marks for the partnerſhip in merchandize which he had with Gervaſe de Hanton [s]: The men of Worceſter paid 100 ſhillings, that they might have the liberty of ſelling and buying dyed cloth, as formerly [t]: Several other towns paid for a like liberty [u]. The commerce indeed of the kingdom was ſo much under the controul of the king, that he erected gilds, corporations, and monopolies, wherever he pleaſed; and levied ſums for theſe excluſive privileges [w].

THERE were no profits ſo ſmall as to be below the king's attention. Henry, ſon of Arthur, gave ten dogs, to have a recognition againſt the counteſs of Copland for one knight's fee [x]. Roger, ſon of Nicholas, gave twenty lampreys and twenty ſhads for an inqueſt to find, whether

[m] Madox's Hiſt. of Exch. p. 311. [n] Id. ibid. [o] Id. p. 79. 312. [p] Id. p. 312. [q] Id. p. 323. [r] Id. ibid. [s] Id. ibid. [t] Id. p. 324. [u] Id. ibid. [w] Id. p. 232, 233, &c. [x] Id. p. 298.

Gilbert,

Appendix II.

Gilbert, ſon of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence [y]: Geoffrey Fitz-Pierre, the chief juſticiary, gave two good Norway hawks, that Walter le Madine might have leave to export a hundred weight of cheeſe out of the king's dominions [z].

It is really amuſing to remark the ſtrange buſineſs in which the king ſometimes interfered, and never without a preſent: The wife of Hugh de Nevile gave the king 200 hens, that ſhe might lie with her huſband one night [a]; and ſhe brought with her two ſureties, who anſwered each for a hundred hens. It is probable that her huſband was a priſoner, which debarred her from having acceſs to him. The abbot of Rucford paid ten marks, for leave to erect houſes and place men upon his land near Welhang, in order to ſecure his wood there from being ſtolen [b]: Hugh archdeacon of Wells, gave one tun of wine for leave to carry 600 ſumms of corn whither he would [c]: Peter de Perariis gave twenty marks for leave to ſalt fiſhes, as Peter Chevalier uſed to do [d].

It was uſual to pay high fines, in order to gain the king's good-will, or mitigate his anger. In the reign of Henry II. Gilbert, the ſon of Fergus, fines in 919 pounds 9 ſhillings to obtain that prince's favour; William de Chataignes a thouſand marks that he would remit his diſpleaſure. In the reign of Henry III. the city of London fines in no leſs a ſum than 20,000 pounds on the ſame account [e].

The king's protection and good offices of every kind were bought and ſold. Robert Griſlet paid twenty marks of ſilver, that the king would help him againſt the earl of Mortaigne in a certain plea [f]: Robert de Cundet gave

y Madox's Hiſt. of Exch. p. 305. z Id. p. 325. a Id. p. 326. b Id. ibid. c Id. p. 320. d Id. p. 326. e Id. p. 327. 329. f Id. p. 329.

Appendix II.

thirty marks of silver, that the king would bring him to an accord with the bishop of Lincoln [g]: Ralph de Breckham gave a hawk, that the king would protect him [h]; and this is a very frequent reason for payments: John, son of Ordgar, gave a Norway hawk, to have the king's request to the king of Norway to let him have his brother Godard's chattels [i]: Richard de Neville gave twenty palfreys to obtain the king's request to Isolda Bisset, that she should take him for a husband [k]: Roger Fitz-Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that she should marry him [l]: Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail [m]: The bishop of Winchester gave one tun of good wine for his not putting the king in mind to give a girdle to the countess of Albemarle [n]: Robert de Veaux gave five of the best palfreys, that the king would hold his tongue about Henry Pinel's wife [o]. There are in the records of exchequer many other singular instances of a like nature [p]. It will however

g Madox's Hist. of Exch. p. 330. h Id. p. 332.

i Id. ibid. k Id. p. 333. l Id. ibid. m Id. p. 342. *Pro habenda amica sua & filiis, &c.* n Id. p. 352.

o Id. ibid. *Ut rex taceret de uxore Henrici Pinel.*

p *We shall gratify the reader's curiosity by subjoining a few more instances from Madox*, p. 332. Hugh Oisel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders with a request to render him 1000 marks, which he lost in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of request to the archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Umfreville to give him his sister to wife, and to the sister that she would accept of him for a husband: William de Cheveringworth paid five marks, to have the king's letter to the abbot of Persore, to let him enjoy peaceably his tythes as formerly; Matthew de Hereford, clerk, paid ten marks for a letter of request to the bishop of Landaff, to let him enjoy peaceably his church of Schenfrith; Andrew Neulun gave three Flemish caps, for the king's request to the prior of Chikesand, for performance of an agreement made between them; Henry de Fontibus gave a Lombardy horse of value

ever be juſt to remark, that the ſame ridiculous practices and dangerous abuſes prevailed in Normandy, and probably in all the other ſtates of Europe [q]. England was not in this reſpect more barbarous than its neighbours.

THESE iniquitous practices of the Norman kings were ſo well known, that, on the death of Hugh Bigod, in the reign of Henry II. the beſt and moſt juſt of theſe princes, the eldeſt ſon and the widow of this nobleman came to court, and ſtrove, by offering large preſents to the king, each of them to acquire poſſeſſion of that rich inheritance. The king was ſo equitable as to order the cauſe to be tried by the great council! But, in the mean time, he ſeized all the money and treaſure of the deceaſed[r]. Peter of Blois, a judicious, and even an elegant writer for that age, gives a pathetic deſcription of the venality of juſtice and the oppreſſions of the poor, under the reign of Henry: And he ſcruples not to complain to the king himſelf of theſe abuſes [s]. We may judge what the caſe would be under the government of worſe princes. The articles of enquiry concerning the conduct of ſheriffs, which Henry promulgated in 1170, ſhow the great power as well as the licentiouſneſs of theſe officers [t].

AMERCIAMENTS or fines for crimes and treſpaſſes were another conſiderable branch of the royal revenue [u]. Moſt

value, to have the king's requeſt to Henry Fitz-Hervey, that he would give him his daughter to wife: Roger, ſon of Nicholas, promiſed all the lampreys he could get, to have the king's requeſt to earl William Mareſhal, that he would grant him the manor of Langeford at Ferm. The burgeſſes of Gloceſter promiſed 300 lampreys, that they might not be diſtrained to find the priſoners of Poictou with neceſſaries, unleſs they pleaſed. Id. p. 352. Jordan, ſon of Reginald, paid twenty marks to have the king's requeſt to William Paniel, that he would grant him the land of Mill Nierenuit, and the cuſtody of his heirs; and if Jordan obtained the ſame, he was to pay the twenty marks, otherwiſe not. Id. p. 333.

q Madox's Hiſt. of Exch. p. 359.

r Bened. Abb. p. 180, 181.

s Petri Bleſ. Epiſt. 95. apud Bibl. Patrum, tom. 24. p. 2014.

t Hoveden, Chron. Gerv. p. 1410.

u Madox, chap. xiv.

Appendix II.

crimes were atoned for by money; the fines impoſed were not limited by any rule or ſtatute; and frequently occaſioned the total ruin of the perſon, even for the ſlighteſt treſpaſſes. The foreſt-laws, particularly, were a great ſource of oppreſſion. The king poſſeſſed ſixty-eight foreſts, thirteen chaces, and ſeven hundred and eighty-one parks, in different parts of England [w]; and conſidering the extreme paſſion of the Engliſh and Normans for hunting, theſe were ſo many ſnares laid for the people, by which they were allured into treſpaſſes, and brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

But the moſt barefaced acts of tyranny and oppreſſion were practiſed againſt the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeaſurable rapacity of the king and his miniſters. Beſides many other indignities, to which they were continually expoſed, it appears, that they were once all thrown into priſon, and the ſum of 66,000 marks exacted for their liberty [x]: At another time, Iſaac the Jew paid alone 5100 marks [y]; Brun, 3000 marks [z]; Jurnet, 2000; Bennet, 500: At another, Licorica, widow of David, the Jew of Oxford, was required to pay 6000 marks; and ſhe was delivered over to ſix of the richeſt and diſcreeteſt Jews in England, who were to anſwer for the ſum [a]. Henry III. borrowed 5000 marks from the earl of Cornwal; and for his repayment conſigned over to him all the Jews in England [b]. The revenue ariſing from exactions upon this nation was ſo conſiderable, that there was a particular court of exchequer ſet apart for managing it [c].

[w] Spelm. Gloſſ. in verbo *Foreſta*. [x] Madox's Hiſt. of the Exch. p. 151. This happened in the reign of king John. [y] Id. p. 151. [z] Id. p. 153. [a] Id. p. 168. [b] Id. p. 156. [c] Id. chap. vii.

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We may judge concerning the low ſtate of commerce among the Engliſh, when the Jews, notwithſtanding theſe oppreſſions, could ſtill find their account in trading among them, and lending them money. And as the improvements of agriculture were alſo much checked, by the immenſe poſſeſſions of the nobility, by the diſorders of the times, and by the precarious ſtate of feudal property; it appears, that induſtry of no kind could then have place in the kingdom [d].

It is aſſerted by Sir Harry Spellman [e], as an undoubted truth, that, during the reigns of the firſt Norman princes, every edict of the king, iſſued with the conſent of his privy-council, had the full force of law. But the barons ſurely were not ſo paſſive as to entruſt a power, entirely arbitrary and deſpotic, into the hands of the ſovereign. It only appears, that the conſtitution had not fixed any preciſe boundaries to the royal power; that the right of iſſuing proclamations on any emergence and of exacting obedience to them, a right which was always ſuppoſed inherent in the crown, is very difficult to be diſtinguiſhed from a legiſlative authority; that the extreme imperfection of the ancient laws, and the ſudden exigencies, which often occurred in ſuch turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquieſcence of the people, to aſſume, in many particulars of moment, an authority, from which

[d] We learn from the extracts given us of Domeſday by Brady in his Treatiſe of Boroughs, that almoſt all the boroughs of England had ſuffered in the ſhock of the Conqueſt, and had extremely decayed between the death of the Confeſſor, and the time when Domeſday was framed.

[e] Gloſſ. in verb. *judicium Dei*. The author of the *Miroir des juſtices*, complains, that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but ſtudy to pleaſe him. Whence, he concludes, laws are oftener dictated by will than founded on right.

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Appendix II.

he had excluded himſelf by expreſs ſtatutes, charters, or conceſſions, and which was, in the main, repugnant to the general genius of the conſtitution; and that the lives, the perſonal liberty, and the properties of all his ſubjects were leſs ſecured by law againſt the exertion of his arbitrary authority, than by the independant power and private connexion of each individual. It appears from the great charter itſelf, that not only John, a tyrannical prince, and Richard, a violent one, but their father, Henry, under whoſe reign the prevalence of groſs abuſes is the leaſt to be ſuſpected, were accuſtomed, from their ſole authority, without proceſs of law, to impriſon, baniſh, and attaint the freemen of their kingdom.

A GREAT baron, in ancient times, conſidered himſelf as a kind of ſovereign within his territory; and was attended by courtiers and dependants more zealouſly attached to him than the miniſters of ſtate and the great officers were commonly to *their* ſovereign. He often maintained in his court the parade of royalty, by eſtabliſhing a juſticiary, conſtable, mareſchal, chamberlain, ſeneſchal, and chancellor, and aſſigning to each of theſe officers a ſeparate province and command. He was uſually very aſſiduous in exerciſing his juriſdiction; and took ſuch delight in that image of ſovereignty, that it was found neceſſary to reſtrain his activity, and prohibit him by law from holding courts too frequently [e]. It is not to be doubted, but the example, ſet him by the prince, of a mercenary and ſordid extortion, would be faithfully copied; and that all his good and bad offices, his juſtice and injuſtice, were equally put to ſale. He had the power, with the king's conſent, to exact talliages even from the free-citizens who lived within his barony; and as his neceſſities made him rapacious, his authority was uſually found to be more oppreſſive and tyrannical than that of the ſovereign [f]. He

[e] Dugd. Jurid. Orig. p. 26.

[f] Madox Hiſt. of Exch. p. 520.

was

was ever engaged in hereditary or perſonal animoſities or confederacies with his neighbours, and often gave protection to all deſperate adventurers and criminals, who could be uſeful in ſerving his violent purpoſes. He was able alone, in times of tranquillity, to obſtruct the execution of juſtice within his territories; and by combining with a few malcontent barons of high rank and power, he could throw the ſtate into convulſions. And on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the ſource of great diſorders; nor was it derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppreſſive to the ſubject. Appendix II.

The church.

THE power of the church was another rampart againſt royal authority; but this defence was alſo the cauſe of many miſchiefs and inconveniencies. The dignified clergy, perhaps, were not ſo prone to immediate violence as the barons; but as they pretended to a total independance on the ſtate, and could always cover themſelves with the appearances of religion, they proved, in one reſpect, an obſtruction to the ſettlement of the kingdom, and to the regular execution of the laws. The policy of the conqueror was in this particular liable to ſome exception. He augmented the ſuperſtitious veneration for Rome, to which that age was ſo much inclined; and he broke thoſe bands of connexion, which, in the Saxon times, had preſerved an union between the lay and the clerical orders. He prohibited the biſhops from ſitting in the county-courts; he allowed eccleſiaſtical cauſes to be tried in ſpiritual courts only [g]; and he ſo much exalted the power of the clergy, that of 60,215 knights fees, into

[g] Char. Will. apud Wilkins, p. 230. Spel. Conc. vol. ii. p. 14.

which

Appendix II.

which he divided England, he placed no less than 28,015 under the church [h].

Civil laws.

The right of primogeniture was introduced with the feudal law: An institution, which is hurtful by producing and maintaining an unequal division of private property; but is advantageous, in another respect, by accustoming the people to a preference in favour of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of surnames, which tend to preserve the knowledge of families and pedigrees. They abolished none of the old absurd methods of trial, by the cross or ordeal; and they added a new absurdity, the trial by single combat [i], which became a regular part of jurisprudence, and was conducted with all the order, method, devotion, and solemnity imaginable [k]. The ideas of chivalry also seem to have been imported by the Normans: No traces of those fantastic notions are to be found among the plain and rustic

Manners.

Saxons. The feudal institutions, by raising the military tenants to a kind of sovereign dignity, by rendering personal strength and valour requisite, and by making every knight and baron his own protector and avenger, begat that martial pride and sense of honour, which, being cultivated and embellished by the poets and romance writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel; but in that of the innocent, of the helpless, and above all, of the fair, whom he supposed to be for ever under the guardianship of his valiant arm. The uncourteous knight, who, from his castle, exercised

[h] Spel. Gloss. in verb. *manus mortua*. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

[i] LL. Will. cap. 68.

[k] Spel. Gloss. in verb. *campus*. The last instance of these duels was in the 15th of Eliz. So long did that absurdity remain.

robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without ſcruple or trial or appeal, wherever he met with him. The great independance of men made perſonal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine profeſſor of chivalry. The ſolemnities of ſingle combat, as eſtabliſhed by law, baniſhed the notion of every thing unfair or unequal in rencounters; and maintained an appearance of courteſy between the combatants, till the moment of their engagement. The credulity of the age grafted on this ſtock the notion of giants, enchanters, dragons, ſpells [1], and a thouſand wonders, which ſtill multiplied during the times of the Cruſades; when men, returning from ſo great a diſtance, uſed the liberty of impoſing every fiction on their believing audience. Theſe ideas of chivalry infected the writings, converſation, and behaviour of men, during ſome ages; and even after they were, in a great meaſure, baniſhed by the revival of learning, they left modern *gallantry* and the *point of honour*, which ſtill maintain their influence, and are the genuine offspring of thoſe ancient affectations.

The conceſſion of the Great Charter, or rather its full eſtabliſhment (for there was a conſiderable interval of time between the one and the other), gave riſe, by degrees, to a new ſpecies of government, and introduced ſome order and juſtice into the adminiſtration. The enſuing ſcenes of our hiſtory are therefore ſomewhat different from the preceding. Yet the Great Charter contained no eſtabliſhment of new courts, magiſtrates, or ſenates, nor abolition of the old. It introduced no new diſtribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom.

[1] In all legal ſingle combats, it was part of the champion's oath, that he carried not about him any herb, ſpell, or inchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

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Appendix II.

It only guarded, and that merely by verbal clauſes, againſt ſuch tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous licence of the kings, and perhaps of the nobles, was thenceforth ſomewhat more reſtrained: Men acquired ſome more ſecurity for their properties and their liberties: And government approached a little nearer to that end, for which it was originally inſtituted, the diſtribution of juſtice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the perſons affected by them, were now regarded, in ſome degree, as public injuries, and as infringements of a charter, calculated for general ſecurity. And thus, the eſtabliſhment of the Great Charter, without ſeeming anywiſe to innovate in the diſtribution of political power, became a kind of epoch in the conſtitution.

CHAP.

CHAP. XII.

HENRY III.

Settlement of the government——General pacification——Death of the Protector——Some commotions——Hubert de Burgh diſplaced——The biſhop of Wincheſter miniſter——King's partiality to foreigners——Grievances——Eccleſiaſtical grievances——Earl of Cornwal elected king of the Romans——Diſcontent of the barons——Simon de Mountfort earl of Leiceſter——Proviſions of Oxford——Uſurpation of the barons——Prince Edward——Civil wars of the barons——Reference to the king of France——Renewal of the civil wars——Battle of Lewes——Houſe of commons——Battle of Eveſham and death of Leiceſter——Settlement of the government——Death——and character of the king——Miſcellaneous tranſactions of this reign.

MOST ſciences, in proportion as they encreaſe and improve, invent methods by which they facilitate their reaſonings; and employing general theorems, are enabled to comprehend in a few propoſitions a great number of inferences and concluſions. Hiſtory alſo, being a collection of facts which are multiplying without end, is obliged to adopt ſuch arts of abridgment, to retain the more material events, and to drop all the minute circumſtances, which are only intereſting during the time, or to

CHAP. XII. 1216.

CHAP. XII. 1216.

the persons engaged in the transactions. This truth is no where more evident than with regard to the reign, upon which we are going to enter. What mortal could have the patience to write or read a long detail of such frivolous events as those with which it is filled, or attend to a tedious narrative which would follow, through a series of fifty-six years, the caprices and weaknesses of so mean a prince as Henry? The chief reason, why protestant writers have been so anxious to spread out the incidents of this reign, is in order to expose the rapacity, ambition, and artifices of the court of Rome, and to prove, that the great dignitaries of the catholic church, while they pretended to have nothing in view but the salvation of souls, had bent all their attention to the acquisition of riches, and were restrained by no sense of justice or of honour, in the pursuit of that great object[m]. But this conclusion would readily be allowed them, though it were not illustrated by such a detail of uninteresting incidents; and follows indeed, by an evident necessity, from the very situation, in which that church was placed with regard to the rest of Europe. For, besides that ecclesiastical power, as it can always cover its operations under a cloak of sanctity, and attacks men on the side where they dare not employ their reason, lies less under controul than civil government; besides this general cause, I say, the pope and his courtiers were foreigners to most of the churches which they governed; they could not possibly have any other object than to pillage the provinces for present gain; and as they lived at a distance, they would be little awed by shame or remorse, in employing every lucrative expedient, which was suggested to them. England being one of the most remote provinces attached to the Romish hierarchy, as well as the most prone to superstition, felt severely, during this reign, while its patience

[m] M. Paris, p. 623.

was

was not yet fully exhausted, the influence of these causes; and we shall often have occasion to touch cursorily upon such incidents. But we shall not attempt to comprehend every transaction transmitted to us; and till the end of the reign, when the events become more memorable, we shall not always observe an exact chronological order in our narration. CHAP. XII. 1216.

Settlement of the government.

THE earl of Pembroke, who, at the time of John's death, was mareschal of England, was by his office at the head of the armies, and consequently, during a state of civil wars and convulsions, at the head of the government; and it happened fortunately for the young monarch and for the nation, that the power could not have been intrusted into more able and more faithful hands. This nobleman, who had maintained his loyalty unshaken to John during the lowest fortune of that monarch, determined to support the authority of the infant prince; nor was he dismayed at the number and violence of his enemies. Sensible, that Henry, agreeably to the prejudices of the times, would not be deemed a sovereign, till crowned and anointed by a churchman; he immediately carried the young prince to Glouceſter, where the ceremony of coronation was performed, in the presence of Gualo, the legate, and of a few noblemen, by the bishops of Winchester and Bath [n]. As the concurrence of the papal authority was requisite to support the tottering throne, Henry was obliged to swear fealty to the pope, and renew that homage, to which his father had already subjected the kingdom [o]: And in order to enlarge the authority of Pembroke, and to give him a more regular and legal title to it, a general council of the barons was soon after summoned at Bristol, where that nobleman was chosen protector of the realm. 28th Oct. 11th Nov.

[n] M. Paris, p. 200. Hist. Croyſ. Cont. p. 474. W. Heming. p. 562. Trivet, p. 168. [o] M. Paris, p. 200.

CHAP. XII. 1216.

PEMBROKE, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties, which, though mostly copied from the former concessions extorted from John, contains some alterations, which may be deemed remarkable [p]. The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom, without the royal consent: Whence we may conclude, that Pembroke and the barons, jealous of the ecclesiastical power, both were desirous of renewing the king's claim to issue a congè d'elire to the monks and chapters, and thought it requisite to put some check to the frequent appeals to Rome. But what may chiefly surprize us is, that the obligation, to which John had subjected himself, of obtaining the consent of the great council before he levied any aids or scutages upon the nation, was omitted; and this article was even declared hard and severe, and was expressly left to future deliberation. But we must consider, that, though this limitation may perhaps appear to us the most momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding against particular acts of violence in the crown, than against such general impositions, which, unless they were evidently reasonable and necessary, could scarcely, without general consent, be levied upon men, who had arms in their hands, and who could repel any act of oppression, by which they were all immediately affected. We accordingly find, that Henry, in the course of his reign, while he gave frequent occasions for complaint, with regard to his violations of the Great Charter, never attempted, by his mere will, to levy any aids or scutages; though he was often reduced to great necessities, and was refused supply by his people. So much

[p] Rymer, vol. i. p. 215.

easier

easier was it for him to transgress the law, when individuals alone were affected, than even to exert his acknowledged prerogatives, where the interest of the whole body was concerned. CHAP. XII. 1216.

This charter was again confirmed by the king in the ensuing year, with the addition of some articles to prevent the oppressions by sheriffs: And also with an additional charter of forests, a circumstance of great moment in those ages, when hunting was so much the occupation of the nobility, and when the king comprehended so considerable a part of the kingdom within his forests, which he governed by peculiar and arbitrary laws. All the forests, which had been enclosed since the reign of Henry II. were desaforested; and new perambulations were appointed for that purpose: Offences in the forests were declared to be no longer capital; but punishable by fine, imprisonment, and more gentle penalties: And all the proprietors of land recovered the power of cutting and using their own wood at their pleasure.

Thus, these famous charters were brought nearly to the shape, in which they have ever since stood; and they were, during many generations, the peculiar favourites of the English nation, and esteemed the most sacred rampart to national liberty and independance. As they secured the rights of all orders of men, they were anxiously defended by all, and became the basis, in a manner, of the English monarchy, and a kind of original contract, which both limited the authority of the king, and ensured the conditional allegiance of his subjects. Though often violated, they were still claimed by the nobility and people; and as no precedents were supposed valid, that infringed them, they rather acquired, than lost authority, from the frequent attempts, made against them in several ages, by regal and arbitrary power.

While Pembroke, by renewing and confirming the Great Charter, gave so much satisfaction and security to

CHAP. XII. 1216.

the nation in general, he alſo applied himſelf ſucceſsfully to individuals: He wrote letters, in the king's name, to all the malcontent barons; in which he repreſented to them, that, whatever jealouſy and animoſity they might have entertained againſt the late king, a young prince, the lineal heir of their ancient monarchs, had now ſucceeded to the throne, without ſucceeding either to the reſentments or principles of his predeceſſor: That the deſperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire ſucceſs, and it was ſtill in their power, by a ſpeedy return to their duty, to reſtore the independance of the kingdom, and to ſecure that liberty, for which they ſo zealouſly contended: That as all paſt offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints againſt their late ſovereign, who, if he had been any wiſe blameable in his conduct, had left to his ſon the ſalutary warning, to avoid the paths, which had led to ſuch fatal extremities: And that having now obtained a charter for their liberties, it was their intereſt to ſhew, by their conduct, that this acquiſition was not incompatible with their allegiance, and that the rights of king and people, ſo far from being hoſtile and oppoſite, might mutually ſupport and ſuſtain each other [q].

THESE conſiderations, enforced by the character of honour and conſtancy, which Pembroke had ever maintained, had a mighty influence on the barons; and moſt of them began ſecretly to negotiate with him, and many of them openly returned to their duty. The diffidence, which Lewis diſcovered, of their fidelity, forwarded this general propenſion towards the king; and when the French prince refuſed the government of the caſtle of Hertford to Robert Fitz-Walter, who had been ſo active

[q] Rymer, vol. i. p. 215. Brady's App. N° 143.

againſt

againſt the late king, and who claimed that fortreſs as his property, they plainly ſaw, that the Engliſh were excluded from every truſt, and that foreigners had engroſſed all the confidence and affection of their new ſovereign [r]. The excommunication too, denounced by the legate, againſt all the adherents of Lewis, failed not, in the turn which men's diſpoſitions had taken, to produce a mighty effect upon them; and they were eaſily perſuaded to conſider a cauſe as impious, for which they had already entertained an unſurmountable averſion [s]. Though Lewis made a journey to France, and brought over ſuccours from that kingdom [t], he found, on his return, that his party was ſtill more weakened by the deſertion of his Engliſh confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cauſe. The earls of Saliſbury, Arundel, and Warrenne, together with William Mareſhal, eldeſt ſon of the protector, had embraced Henry's party; and every Engliſh nobleman was plainly watching for an opportunity of returning to his allegiance. Pembroke was ſo much ſtrengthened by theſe acceſſions, that he ventured to inveſt Mount-ſorel; though, upon the approach of the count of Perche with the French army, he deſiſted from his enterprize, and raiſed the ſiege [u]. The count, elated with this ſucceſs, marched to Lincoln; and being admitted into the town, he began to attack the caſtle, which he ſoon reduced to extremity. The protector ſummoned all his forces from every quarter in order to relieve a place of ſuch importance; and he appeared ſo much ſuperior to the French, that they ſhut themſelves up within the city, and reſolved to act upon the defenſive [w]. But the garriſon of the caſtle, having received a ſtrong reinforcement, made a vigorous ſally

CHAP. XII. 1216.

[r] M. Paris, p. 200. 202. [s] Ibid. p. 200. M. Weſt. p. 277.
[t] Chron. Dunſt. vol. i. p. 79. M. Weſt. p. 277. [u] M. Paris, p. 203. [w] Chron. Dunſt. vol. i. p. 81.

CHAP. XII. upon the beſiegers; while the Engliſh army, by concert, aſſaulted them in the ſame inſtant from without, mounted
1216. the walls by ſcalade, and bearing down all reſiſtance, entered the city ſword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count de Perche, with only two perſons more, was killed, but many of the chief commanders and about 400 knights were made priſoners by the Engliſh [x]. So little blood was ſhed in this important action, which decided the fate of one of the moſt powerful kingdoms in Europe; and ſuch wretched ſoldiers were thoſe ancient barons, who yet were unacquainted with every thing but arms!

PRINCE Lewis was informed of this fatal event, while employed in the ſiege of Dover, which was ſtill valiantly defended againſt him by Hubert de Burgh. He immediately retreated to London, the center and life of his party; and he there received intelligence of a new diſaſter, which put an end to all his hopes. A French fleet, bringing over a ſtrong reinforcement, had appeared on the coaſt of Kent; where they were attacked by the Engliſh under the command of Philip d'Albiney, and were routed with conſiderable loſs. D'Albiney employed a ſtratagem againſt them, which is ſaid to have contributed to the victory: Having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick-lime, which he purpoſely carried on board, he ſo blinded them, that they were diſabled from defending themſelves [y].

AFTER this ſecond misfortune of the French, the Engliſh barons haſtened every where to make peace with the protector, and by an early ſubmiſſion, to prevent thoſe attainders, to which they were expoſed on account

[x] M. Paris, p. 204, 205. Chron de Mullr. p. 195.

[y] M. Paris, p. 206. Ann. Waverl. p. 183. W. Heming. p. 563. Trivet, p. 169. M. Weſt. p. 277. Knyghton, p. 2428.

of

of their rebellion. Lewis, whoſe cauſe was now totally deſperate, began to be anxious for the ſafety of his perſon, and was glad, on any honourable conditions, to make his eſcape from a country, where, he found, every thing was now become hoſtile to him. He concluded a peace with Pembroke, promiſed to evacuate the kingdom, and only ſtipulated in return, an indemnity to his adherents, and a reſtitution of their honours and fortunes, together with the free and equal enjoyment of thoſe liberties, which had been granted to the reſt of the nation [z]. Thus was happily ended a civil war, which ſeemed to be founded on the moſt incurable hatred and jealouſy, and had threatened the kingdom with the moſt fatal conſequences. CHAP. XII. 1216. General pacification.

THE precautions, which the king of France uſed in the conduct of this whole affair, are remarkable. He pretended, that his ſon had accepted of the offer from the Engliſh barons, without his advice, and contrary to his inclination: The armies ſent to England were levied in Lewis's name: When that prince came over to France for aid, his father publicly refuſed to grant him any aſſiſtance, and would not ſo much as admit him to his preſence: Even after Henry's party acquired the aſcendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Caſtile his wife, not the king his father, who raiſed armies and equipped fleets for his ſuccour [a]. All theſe artifices were employed, not to ſatisfy the pope; for he had too much penetration to be ſo eaſily impoſed on: Nor yet to deceive the people; for they were too groſs even for that purpoſe: They only ſerved for a colouring to Philip's cauſe; and in public affairs, men are often better pleaſed, that the truth, though known to every body, ſhould be wrapped up under a decent co-

z Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunſt. vol. i. p. 83. M. Weſt. p. 278. Knyghton, p. 2429.

a M. Paris, p. 256. Chron. Dunſt. vol. i. p. 82.

CHAP. XII.

ver, than if it were expoſed in open day-light to the eyes of all the world.

1216. AFTER the expulſion of the French, the prudence and equity of the protector's ſubſequent conduct, contributed to cure entirely thoſe wounds, which had been made by inteſtine diſcord. He received the rebellious barons into favour; obſerved ſtrictly the terms of peace, which he had granted them; reſtored them to their poſſeſſions; and endeavoured, by an equal behaviour, to bury all paſt animoſities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were ſufferers in this revolution. As they had rebelled againſt their ſpiritual ſovereign, by diſregarding the interdict and excommunication, it was not in Pembroke's power to make any ſtipulations in their favour; and Gualo, the legate, prepared to take vengeance on them for their diſobedience [b]. Many of them were depoſed; many ſuſpended; ſome baniſhed; and all who eſcaped puniſhment, made atonement for their offence, by paying large ſums to the legate, who amaſſed an immenſe treaſure by this expedient.

Death of the protector.

THE earl of Pembroke did not long ſurvive the pacification, which had been chiefly owing to his wiſdom and valour [c]; and he was ſucceeded in the government by Peter des Roches, biſhop of Wincheſter, and Hubert de Burgh, the juſticiary. The councils of the latter were chiefly followed; and had he poſſeſſed equal authority in the kingdom with Pembroke, he ſeemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of ſubjection to their prince, and had obtained by violence an enlargement of their liberties and independance, could ill be reſtrained by laws under a minority; and the people, no leſs than the king, ſuffered from their outrages and diſorders. They

Some commotions.

[b] Brady's App. No. 144. Chron. Dunſt. vol. i. p. 83. [c] M. Paris, p. 210.

retained

retained by force the royal caſtles, which they had ſeized during the paſt convulſions, or which had been committed to their cuſtody by the protector[d]: They uſurped the king's demeſnes[e]: They oppreſſed their vaſſals: They infeſted their weaker neighbours: They invited all diſorderly people to enter in their retinue, and to live upon their lands: And they gave them protection in all their robberies and extortions. CHAP. XII. 1216.

No one was more infamous for theſe violent and illegal practices than the earl of Albemarle; who, though he had early returned to his duty, and had been ſerviceable in expelling the French, augmented to the utmoſt the general diſorder, and committed outrages in all the counties of the North. In order to reduce him to obedience, Hubert ſeized an opportunity of getting poſſeſſion of Rockingham caſtle, which Albemarle had garriſoned with his licentious retinue: But this nobleman, inſtead of ſubmitting, entered into a ſecret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the caſtle of Biham for his defence, and made himſelf maſter by ſurprize of that of Fotheringay. Pandulf, who was reſtored to his legateſhip, was active in ſuppreſſing this rebellion; and with the concurrence of eleven biſhops, he pronounced the ſentence of excommunication againſt Albemarle and his adherents[f]: An army was levied: A ſcutage of ten ſhillings a knight's fee was impoſed on all the military tenants: Albemarle's aſſociates gradually deſerted him: And he himſelf was obliged at laſt to ſue for mercy. He received a pardon, and was reſtored to his whole eſtate.

THIS impolitic lenity, too frequent in thoſe times, was probably the reſult of a ſecret combination among the barons, who never could endure to ſee the total ruin

[d] Trivet, p. 174. Dunſt. vol. i. p. 102. [e] Rymer, vol. i. p. 276. [f] Chron.

of

CHAP. XII.

of one of their own order: But it encouraged Fawkes de Breauté, a man whom king John had raiſed from a low origin, to perſevere in the courſe of violence, to which he had owed his fortune, and to ſet at naught all law and juſtice. When thirty-five verdicts were at one time found againſt him, on account of his violent expulſion of ſo many freeholders from their poſſeſſions; he came to the court of juſtice with an armed force, ſeized the judge who had pronounced the verdicts, and impriſoned him in Bedford caſtle. He then levied open war againſt the king; but being ſubdued, and taken priſoner, his life was granted him: but his eſtate was confiſcated, and he was baniſhed the kingdom [g].

1216.

1222. JUSTICE was executed with greater ſeverity againſt diſorders leſs premeditated, which broke out in London. A frivolous emulation in a match of wreſtling, between the Londoners on the one hand, and the inhabitants of Weſtminſter and thoſe of the neighbouring villages on the other, occaſioned this commotion. The former roſe in a body, and pulled down ſome houſes belonging to the abbot of Weſtminſter: But this riot, which, conſidering the tumultuous diſpoſition familiar to that capital, would have been little regarded, ſeemed to become more ſerious, by the ſymptoms which then appeared, of the former attachment of the citizens to the French intereſt. The populace, in the tumult, made uſe of the cry of war commonly employed by the French troops; *Mountjoy, mountjoy, God help us and our lord Lewis.* The juſticiary made enquiry into the diſorder; and finding one Conſtantine Fitz Arnulf to have been the ringleader, an inſolent man, who juſtified his crime in Hubert's preſence, he proceeded againſt him by martial law, and ordered him immediately to be hanged, without trial or

g Rymer, vol. i. p. 198. M. Paris, p. 221. 224. Ann. Waverl. p. 188. Chron. Dunſt. vol. i. p. 141. 146. M. Weſt. p. 283.

form

form of proceſs. He alſo cut off the feet of ſome of Conſtantine's accomplices [h]. CHAP. XII. 1222.

THIS act of power was complained of as an infringement of the Great Charter: Yet the juſticiary, in a parliament, ſummoned at Oxford, (for the great councils about this time began to receive that appellation) made no ſcruple to grant in the king's name a renewal and confirmation of that charter. When the aſſembly made application to the crown for this favour; as a law in thoſe times ſeemed to loſe its validity, if not frequently renewed; William de Briewere, one of the council of regency, was ſo bold as to ſay openly, that thoſe liberties were extorted by force, and ought not to be obſerved: But he was reprimanded by the archbiſhop of Canterbury, and was not countenanced by the king or his chief miniſters [i]. A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence. The king iſſued writs anew to the ſheriffs, enjoining the obſervance of the charter; but he inſerted a remarkable clauſe in the writs, that thoſe, who payed not the fifteenth, ſhould not for the future be entitled to the benefit of thoſe liberties [k].

THE low ſtate, into which the crown was fallen, made it requiſite for a good miniſter to be attentive to the preſervation of the royal prerogatives, as well as to the ſecurity of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now conſidered as its ſuperior lord; and deſired him to iſſue a bull, declaring the king to be of full age, and entitled to exerciſe in perſon all the acts of royalty [l]. In conſequence of this declaration, the juſticiary reſigned into Henry's hands the two important fortreſſes of the

[h] M. Paris, p. 217, 218. 259. Ann. Waverl. p. 187. Chron. Dunſt. vol. i. p. 129.
[i] M. Weſt. p. 282.
[k] Clauſe 9. H. 3. m. 9. and m. 6. d.
[l] M. Paris, p. 220.

Tower

CHAP. XII. 1222.

Tower and Dover castle, which had been entrusted to his custody; and he required the other barons to imitate his example. They refused compliance: The earls of Chester and Albemarle, John Constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others, even formed a conspiracy to surprize London, and met in arms at Waltham with that intention: But finding the king prepared for defence, they desisted from their enterprize. When summoned to court, in order to answer for their conduct, they scrupled not to appear, and to confess the design: But they told the king, that they had no bad intentions against his person, but only against Hubert de Burgh, whom they were determined to remove from his office [m]. They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprize, that they again met in arms at Leicester, in order to seize the king, who then resided at Northampton: But Henry, informed of their purpose, took care to be so well armed and attended, that the barons found it dangerous to make the attempt; and they sat down and kept Christmas in his neighbourhood [n]. The archbishop and the prelates, finding every thing tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining the king's castles. This menace at last prevailed: Most of the fortresses were surrendered; though the barons complained, that Hubert's castles were soon after restored to him, while the king still kept theirs in his own custody. There are said to have been 1115 castles at that time in England [o].

It must be acknowledged, that the influence of the prelates and the clergy was often of great service to the

[m] Chron. Dunst. vol. i. p. 137. [n] M. Paris, p. 221. Chron. Dunst. vol. i. p. 138. [o] Coke's Commen'. on Magna Charta, chap. 17.

public. Though the religion of that age can merit no better name than that of superstition, it served to unite together a body of men who had great sway over the people, and who kept the community from falling to pieces, by the factions and independant power of the nobles. And what was of great importance; it threw a mighty authority into the hands of men, who by their profession were averse to arms and violence; who tempered by their mediation the general disposition towards military enterprizes; and who still maintained, even amidst the shock of arms, those secret links, without which it is impossible for human society to subsist. CHAP. XII. 1222.

NOTWITHSTANDING these intestine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France; and he employed to that purpose the fifteenth which had been granted him by parliament. Lewis VIII. who had succeeded to his father Philip, instead of complying with Henry's claim, who demanded the restitution of Normandy and the other provinces wrested from England, made an irruption into Poictou, took Rochelle [p] after a long siege, and seemed determined to expel the English from the few provinces which still remained to them. Henry sent over his uncle, the earl of Salisbury; together with his brother prince Richard, to whom he had granted the earldom of Cornwal, which had escheated to the crown. Salisbury stopped the progress of Lewis's arms, and retained the Poictevin and Gascon vassals in their allegiance: But no military action of any moment was performed on either side. The earl of Cornwal, after two years' stay in Guienne, returned to England.

THIS prince was nowise turbulent or factious in his disposition: His ruling passion was to amass money, in 1227.

[p] Rymer, vol. i. p. 269. Trivet, p. 179.

which

CHAP. XII.

1227.

which he ſucceeded ſo well as to become the richeſt ſubject in Chriſtendom: Yet his attention to gain threw him ſometimes into acts of violence, and gave diſturbance to the government. There was a manor, which had formerly belonged to the earldom of Cornwal, but had been granted to Waleran de Ties, before Richard had been inveſted with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The king ordered his brother to do juſtice to the man, and reſtore him to his rights: The earl ſaid, that he would not ſubmit to theſe orders, till the cauſe ſhould be decided againſt him by the judgment of his peers: Henry replied, that it was firſt neceſſary to re-inſtate Waleran in poſſeſſion, before the cauſe could be tried; and he re-iterated his orders to the earl [q]. We may judge of the ſtate of the government, when this affair had nearly produced a civil war. The earl of Cornwal, finding Henry peremptory in his commands, aſſociated himſelf with the young earl of Pembroke, who had married his ſiſter, and who was diſpleaſed on account of the king's requiring him to deliver up ſome royal caſtles which were in his cuſtody. Theſe two malcontents took into the confederacy the earls of Cheſter, Warenne, Gloceſter, Hereford, Warwic, and Ferrers, who were all diſguſted on a like account [r]. They aſſembled an army, which the king had not the power or courage to reſiſt; and he was obliged to give his brother ſatisfaction, by grants of much greater importance than the manor, which had been the firſt ground of the quarrel [s].

THE character of the king, as he grew to man's eſtate, became every day better known; and he was found in every reſpect unqualified for maintaining a proper ſway among thoſe turbulent barons, whom the

[q] M. Paris, p. 233. [r] Ibid. [s] Ibid.

feudal

feudal conſtitution ſubjected to his authority. Gentle, humane, and merciful even to a fault, he ſeems to have been ſteady in no other circumſtance of his character; but to have received every impreſſion from thoſe who ſurrounded him, and whom he loved, for the time, with the moſt imprudent and moſt unreſerved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill-fitted to maintain peace; His reſentments, though haſty and violent, were not dreaded, while he was found to drop them with ſuch facility; his friendſhips were little valued, becauſe they were neither derived from choice, nor maintained with conſtancy. A proper pageant of ſtate in a regular monarchy, where his miniſters could have conducted all affairs in his name and by his authority; but too feeble in thoſe diſorderly times to ſway a ſcepter, whoſe weight depended entirely on the firmneſs and dexterity of the hand which held it. CHAP. XII. 1227.

THE ableſt and moſt virtuous miniſter that Henry ever poſſeſſed, was Hubert de Burgh [t]; a man who had been ſteady to the crown in the moſt difficult and dangerous times, and who yet ſhewed no diſpoſition, in the height of his power, to enſlave or oppreſs the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris [u], if the fact be really true, and proceeded from Hubert's advice, namely, the recalling publicly and the annulling of the charter of foreſts, a conceſſion ſo reaſonable in itſelf, and ſo paſſionately claimed both by the nobility and people: But it muſt be confeſſed, that this meaſure is ſo unlikely, both from the circumſtances of the times and character of the miniſter, that there is reaſon to doubt of its reality, eſpecially as it is mentioned by no other hiſtorian. Hubert de Burgh diſplaced.

[t] Ypod. Neuſtriæ, p. 464. [u] P. 232. M. Weſt. p. 216. aſcribes this counſel to Peter Biſhop of Winchester.

bert,

CHAP. XII.

bert, while he enjoyed his authority, had an entire aſcendant over Henry, and was loaded with honours and favours beyond any other ſubject. Beſides acquiring the property of many caſtles and manors, he married the eldeſt ſiſter of the king of Scots, was created earl of Kent, and by an unuſual conceſſion, was made chief juſticiary of England for life: Yet Henry, in a ſudden caprice, threw off this faithful miniſter, and expoſed him to the violent perſecutions of his enemies. Among other frivolous crimes objected to him, he was accuſed of gaining the king's affections by enchantment, and of purloining from the royal treaſury a gem, which had the virtue to render the wearer invulnerable, and of ſending this valuable curioſity to the prince of Wales [w]. The nobility, who hated Hubert on account of his zeal in reſuming the rights and poſſeſſions of the crown, no ſooner ſaw the opportunity favourable, than they inflamed the king's animoſity againſt him, and puſhed him to ſeek the total ruin of his miniſter. Hubert took ſanctuary in a church: The king ordered him to be dragged from thence: He recalled thoſe orders: He afterwards renewed them: He was obliged by the clergy to reſtore him to the ſanctuary: He conſtrained him ſoon after to ſurrender himſelf priſoner, and he confined him in the caſtle of the Deviſes. Hubert made his eſcape, was expelled the kingdom, was again received into favour, recovered a great ſhare of the king's confidence, but never ſhowed any inclination to reinſtate himſelf in power and authority [x].

1227.

1231.

Biſhop of Wincheſter miniſter.

THE man, who ſucceeded him in the government of the king and kingdom, was Peter, biſhop of Wincheſter, a Poictevin by birth, who had been raiſed by the late king, and who was no leſs diſtinguiſhed by his arbitrary

[w] M. Paris, p. 259. [x] Ibid. p. 259, 260, 261. 266. Chron. T. Wykes, p. 41, 42. Chron. Dunſt. vol. i. p. 220, 221. M. Weſt. p. 291. 301.

principles

principles and violent conduct, than by his courage and abilities. This prelate had been left by king John justiciary and regent of the kingdom during an expedition which that prince made into France; and his illegal adminiſtration was one chief cauſe of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundations of the Engliſh conſtitution. Henry, though incapable, from his character, of purſuing the ſame violent maxims, which had governed his father, had imbibed the ſame arbitrary principles; and in proſecution of Peter's advice, he invited over a great number of Poictevins and other foreigners, who, he believed, could more ſafely be truſted than the Engliſh, and who ſeemed uſeful to counterbalance the great and independant power of the nobility [y]. Every office and command was beſtowed on theſe ſtrangers; they exhauſted the revenues of the crown, already too much impoveriſhed [z]; they invaded the rights of the people; and their inſolence, ſtill more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom [a]. CHAP. XII. 1231.

THE barons formed a combination againſt this odious miniſtry, and withdrew from parliament; on pretence of the danger, to which they were expoſed from the machinations of the Poictevins. When again ſummoned to attend, they gave for anſwer, that the king ſhould diſmiſs his foreigners: Otherwiſe they would drive both him and them out of the kingdom, and put the crown on another head, more worthy to wear it [b]: Such was the ſtyle they uſed to their ſovereign! They at laſt came to parliament, but ſo well attended, that they ſeemed in a condition to preſcribe laws to the king and miniſtry. Peter des Roches, however, had in the interval found means of 1233.

y M. Paris, p. 263.
a M. Paris, p. 258.
z Chron. Dunſt. vol. i. p. 151.
b Ibid. p. 265.

CHAP. XII.

1233. sowing dissention among them, and of bringing over to his party the earl of Cornwal, as well as the earls of Lincoln and Chester. The confederates were disconcerted in their measures: Richard, earl Marischal, who had succeeded to that dignity on the death of his brother, William, was chased into Wales; he thence withdrew into Ireland; where he was treacherously murdered by the contrivance of the bishop of Winchester [c]. The estates of the more obnoxious barons were confiscated, without legal sentence or trial by their peers [d]; and were bestowed with a profuse liberality on the Poictevins. Peter even carried his insolence so far as to declare publickly, that the barons of England must not pretend to put themselves on the same foot with those of France, or assume the same liberties and privileges: The monarch in the former country had a more absolute power than in the latter. It had been more justifiable for him to have said, that men, so unwilling to submit to the authority of laws, could with the worse grace claim any shelter or protection from them.

When the king at any time was checked in his illegal practices, and when the authority of the Great Charter was objected to him, he was wont to reply; "Why should I observe this charter, which is neglected by all my grandees, both prelates and nobility?" It was very reasonably said to him: "You ought, sir, to set them the example [e]."

So violent a ministry, as that of the bishop of Winchester, could not be of long duration; but its fall proceeded at last from the influence of the church, not from the efforts of the nobles. Edmond, the primate, came to court, attended by many of the other prelates; and represented to the king the pernicious measures embraced by Peter des Roches, the discontents of his people,

[c] Chron. Dunst. vol. i. p. 219. [d] M. Paris, p. 265. [e] Ibid. p. 609.

the

the ruin of his affairs; and after requiring the dismission of the minister and his associates, threatened him with excommunication, in case of his refusal. Henry, who knew that an excommunication, so agreeable to the sense of the people, could not fail of producing the most dangerous effects, was obliged to submit: Foreigners were banished: The natives were restored to their place in council [f]: The primate, who was a man of prudence, and who took care to execute the laws and observe the charter of liberties, bore the chief sway in the government. CHAP XII. 1233.

BUT the English in vain flattered themselves that they should be long free from the dominion of foreigners. The king, having married Eleanor, daughter of the count of Provence [g], was surrounded by a great number of strangers from that country, whom he caressed with the fondest affection, and enriched by an imprudent generosity [h]. The bishop of Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter of Savoy, a brother of the same family, was invested in the honour of Richmond, and received the rich wardship of earl Warrenne: Boniface of Savoy was promoted to the see of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen in England, who were the king's wards [i]: And as the source of Henry's bounty began to fail, his Savoyard ministry applied to Rome, and obtained a bull; permitting him to resume all past grants; absolving him from the oath, which he had taken to maintain them; even enjoining him to make such a resumption, and representing those 1236. 14th January. King's partiality to foreigners.

[f] M. Paris, p. 271, 272. [g] Rymer, vol. i. p. 448. M. Paris, p. 286. [h] M. Paris, p. 236. 301. 305. 316. 541. M. West. p. 302. 304. [i] M. Paris, p. 484. M. West. p. 338.

CHAP. XII.

grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested [k]. The opposition, made to the intended resumption, prevented it from taking place; but the nation saw the indignities, to which the king was willing to submit, in order to gratify the avidity of his foreign favourites. About the same time, he published in England the sentence of excommunication, pronounced against the emperor Frederic, his brother-in-law [l]; and said in excuse, that, being the pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbouring potentate insulted the king's dominions, instead of taking revenge for the injury, he complained to the pope as his superior lord, and begged him to give protection to his vassal [m].

1236.

Grievances.

THE resentment of the English barons rose high at the preference given to foreigners; but no remonstrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been supposed pretty well satiated with the dignities and riches which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favours, which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother, Isabella, who had been unjustly taken by the late king from the count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she married that nobleman [n]; and she had born him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over to England, in order to pay a visit to their

1247.

[k] M. Paris, p. 295 301. Dunst. vol. i. p. 150. [l] Rymer, vol. i. p. 383. [m] Chron. [n] Trivet, p. 174.

brother,

brother. The good-natured and affectionate diſpoſition of Henry was moved at the ſight of ſuch near relations; and he conſidered neither his own circumſtances, nor the inclinations of his people, in the honours and riches which he conferred upon them [o]. Complaints roſe as high againſt the credit of the Gaſcon as ever they had done againſt that of the Poictevin and of the Savoyard favourites; and to a nation prejudiced againſt them, all their meaſures appeared exceptionable and criminal. Violations of the Great Charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundleſs affections of a weak prince, would, in an age, when a regular adminiſtration was not any where known, pay more attention to their preſent intereſt than to the liberties of the people. It is reported, that the Poictevins and other ſtrangers, when the laws were at any time appealed to, in oppoſition to their oppreſſions, ſcrupled not to reply, *What did the Engliſh laws ſignify to them? They minded them not.* And as words are often more offenſive than actions, this open contempt of the Engliſh tended much to aggravate the general diſcontent, and made every act of violence, committed by the foreigners, appear not only an injury, but an affront to them [p].

CHAP. XII. 1247.

I RECKON not among the violations of the Great Charter, ſome arbitrary exertions of prerogative, to which Henry's neceſſities puſhed him, and which, without producing any diſcontent, were uniformly continued by all his ſucceſſors, till the laſt century. As the parliament often refuſed him ſupplies, and that in a manner ſomewhat rude and indecent [q], he obliged his opulent ſubjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the ſame

o M. Paris, p. 491. M. Weſt. p. 338. Knyghton, p. 2436.

p M. Paris, p. 566. 666. Ann. Waverl. p. 214. Chron. Dunſt. vol. i. p. 335.

q M. Paris, p. 301.

CHAP. XII.

want of œconomy, which reduced him to the neceſſity of borrowing, would prevent him from being very punctual in the repayment [r]. He demanded benevolences or pretended voluntary contributions from his nobility and prelates [s]. He was the firſt king of England ſince the conqueſt, that could fairly be ſaid to lie under the reſtraint of law; and he was alſo the firſt that practiſed the diſpenſing power, and employed the clauſe of *Non-obſtante* in his grants and patents. When objections were made to this novelty, he replied, that the pope exerciſed that authority; and why might not he imitate the example? But the abuſe, which the pope made of his diſpenſing power, in violating the canons of general councils, in invading the privileges and cuſtoms of all particular churches, and in uſurping on the rights of patrons, was more likely to excite the jealouſy of the people, than to reconcile them to a ſimilar practice in their civil government. Roger de Thurkeſby, one of the king's juſtices, was ſo diſpleaſed with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the eccleſiaſtical, and the river is poiſoned from that fountain.*

1247.

THE king's partiality and profuſe bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the Engliſh, had any thing been done mean-while for the honour of the nation, or had Henry's enterprizes in foreign countries, been attended with any ſucceſs or glory to himſelf or to the public: At leaſt, ſuch military talents in the king would have ſerved to keep his barons in awe, and have given weight and authority to his government. But though he declared war againſt Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father-in-law, the count de la Marche, who promiſed to join

[r] M. Paris, p. 406.

[s] M. Paris, p. 507.

him

him with all his forces; he was unsuccessful in his attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poictou, and was obliged to return, with loss of honour, into England [t]. The Gascon nobility were attached to the English government; because the distance of their sovereign allowed them to remain in a state of almost total independance: And they claimed, some time after, Henry's protection against an invasion, which the king of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both encreased their discontents, and exposed him to greater danger from their enterprizes [u]. CHAP. XII. 1247. 1253.

WANT of œconomy and an ill-judged liberality were Henry's great defects; and his debts, even before this expedition, had become so troublesome, that he sold all his plate and jewels, in order to discharge them. When this expedient was first proposed to him, he asked, where he should find purchasers? It was replied, the citizens of London. *On my word*, said he, *if the treasury of Augustus were brought to sale, the citizens are able to be the purchasers: These clowns, who assume to themselves the name of barons, abound in every thing, while we are reduced to necessities* [w]. And he was thenceforth observed to be more forward and greedy in his exactions upon the citizens [x].

BUT the grievances, which the English during this reign had reason to complain of in the civil government, seem to have been still less burthensome than those which they suffered from the usurpations and exactions of the court of Rome. On the death of Langton in 1228, the monks of Christ-church elected Walter de Hemesham, Ecclesiastical grievances.

[t] M. Paris, p. 393, 394. 398, 399. 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153. [u] M. Paris, p. 614. [w] M. Paris, p. 501. [x] M. Paris, p. 501. 507. 518. 578. 606. 625. 648.

CHAP. XII.

one of their own body, for his ſucceſſor: But as Henry refuſed to confirm the election, the pope, at his deſire, annulled it[y]; and immediately appointed Richard, chancellor of Lincoln, for archbiſhop, without waiting for a new election. On the death of Richard in 1231, the monks elected Ralph de Neville biſhop of Chicheſter; and though Henry was much pleaſed with the election, the pope, who thought that prelate too much attached to the crown, aſſumed the power of annulling his election[z]. He rejected two clergymen more, whom the monks had ſucceſſively choſen; and he at laſt told them, that, if they would elect Edmond, treaſurer of the church of Saliſbury, he would confirm their choice; and his nomination was complied with. The pope had the prudence to appoint both times very worthy primates; but men could not forbear obſerving his intention of thus drawing gradually to himſelf the right of beſtowing that important dignity.

1253.

THE avarice, however, more than the ambition of the ſee of Rome, ſeems to have been in this age the ground of general complaint. The papal miniſters, finding a vaſt ſtock of power amaſſed by their predeceſſors, were deſirous of turning it to immediate profit, which they enjoyed at home, rather than of enlarging their authority in diſtant countries, where they never intended to reſide. Every thing was become venal in the Romiſh tribunals; ſimony was openly practiſed; no favours and even no juſtice could be obtained without a bribe; the higheſt bidder was ſure to have the preference, without regard either to the merits of the perſon or of the cauſe; and beſides the uſual perverſions of right in the deciſion of controverſies, the pope openly aſſumed an abſolute and uncontroled authority of ſetting aſide, by the plenitude of his apoſtolic power, all particular rules and all privileges of patrons, churches, and convents.

[y] M. Paris, p. 244. [z] Ibid. p. 254.

On

On pretence of remedying these abuses, pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks' portions, to be set apart as a perpetual and settled revenue of the papal crown: But all men being sensible, that the revenue would continue for ever, the abuses immediately return, his demand was unanimously rejected. About three years after, the pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tythes, and sending about usurers, who advanced them the money at exorbitant interest. In the year 1240, Otho, the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen, that refused to comply with his demands. The king, who relied on the pope for the support of his tottering authority, never failed to countenance those exactions.

CHAP. XII. 1253.

MEANWHILE, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for; non-residence and pluralities were carried to an enormous height; Mansel, the king's chaplain, is computed to have held at once seven hundred ecclesiastical livings; and the abuses became so evident as to be palpable to the blindness of superstition itself. The people, entering into associations, rose against the Italian clergy; pillaged their barns; wasted their lands; insulted the persons of such of them as they found in the kingdom [a]; and when the jus-

[a] Rymer, vol. i. p. 323. M. Paris, p. 255. 257.

tices

CHAP. XII.

1253. tices made enquiry into the authors of this diſorder, the guilt was found to involve ſo many, and thoſe of ſuch high rank, that it paſſed unpuniſhed. At laſt, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility ſent over agents to complain before the council, of the rapacity of the Romiſh church. They repreſented, among many other grievances, that the benefices of the Italian clergy in England had been eſtimated, and were found to amount to 60,000 marks [b] a year, a ſum which exceeded the annual revenue of the crown itſelf [c]. They obtained only an evaſive anſwer from the pope; but as mention had been made before the council, of the feudal ſubjection of England to the ſee of Rome, the Engliſh agents, at whoſe head was Roger Bigod earl of Norfolk, exclaimed againſt the pretenſion, and inſiſted, that king John had no right, without the conſent of his barons, to ſubject the kingdom to ſo ignominious a ſervitude [d]. The popes indeed, afraid of carrying matters too far againſt England, ſeem thenceforth to have little inſiſted on that pretenſion.

THIS check, received at the council of Lyons, was not able to ſtop the court of Rome in its rapacity: Innocent exacted the revenues of all vacant benefices, the twentieth of all eccleſiaſtical revenues without exception; the third of ſuch as exceeded a hundred marks a year; the half of ſuch as were poſſeſſed by non-reſidents [e]. He claimed the goods of all inteſtate clergymen [f]; he pretended a title to inherit all money gotten by uſury; he le-

[b] Innocent's bull in Rymer, vol. i. p. 471, ſays only 50,000 marks a year.

[c] M. Paris, p. 451. The cuſtoms were part of Henry's revenue, and amounted to 6000 pounds a year: They were at firſt ſmall ſums paid by the merchants for the uſe of the king's warehouſes, meaſures, weights, &c. See Gilbert's hiſtory of the Exch. p. 214.

[d] M. Paris, p. 460. [e] M. Paris, p. 480. Ann. Burt. p. 305. 373. [f] M. Paris, p. 474.

vied

vied benevolences upon the people; and when the king, contrary to his usual practice, prohibited these exactions, he threatened to pronounce against him the same censures, which he had emitted against the emperor Frederic [g]. CHAP. XII. 1253.

But the most oppressive expedient, employed by the pope, was the embarking of Henry in a project for the conquest of Naples, or Sicily on this side the Fare, as it was called; an enterprize, which threw much dishonour on the king, and involved him, during some years, in great trouble and expence. The Romish church, taking advantage of favourable incidents, had reduced the kingdom of Sicily to the same state of feudal vassalage, which she pretended to extend over England, and which, by reason of the distance, as well as high spirit of this latter kingdom, she was not able to maintain. After the death of the emperor, Frederic II. the succession of Sicily devolved to Conradine, grandson of that monarch; and Mainfroy, his natural son, under pretence of governing the kingdom during the minority of the prince, had formed a scheme of establishing his own authority. Pope Innocent, who had carried on violent war against the emperor, Frederic, and had endeavoured to dispossess him of his Italian dominions, still continued hostilities against his grandson; but being disappointed in all his schemes by the activity and artifices of Mainfroy, he found, that his own force alone was not sufficient to bring to a happy issue so great an enterprize. He pretended to dispose of the Sicilian crown, both as superior lord of that particular kingdom, and as vicar of Christ, to whom all kingdoms of the earth were subjected; and he made a tender of it to Richard earl of Cornwal, whose immense riches, he flattered himself, would be able to support the military operations 1255.

g M. Paris, p. 476.

against

CHAP. XII.

1255. againſt Mainfroy. As Richard had the prudence to refuſe the preſent [h], he applied to the king, whoſe levity and thoughtleſs diſpoſition gave Innocent more hopes of ſucceſs; and he offered him the crown of Sicily for his ſecond ſon, Edmond [i]. Henry, allured by ſo magnificent a preſent, without reflecting on the conſequences, without conſulting either with his brother or the parliament, accepted of the inſidious propoſal; and gave the pope unlimited credit to expend whatever ſums he thought neceſſary for compleating the conqueſt of Sicily. Innocent, who was engaged by his own intereſts to wage war with Mainfroy, was glad to carry on his enterprizes at the expence of his ally: Alexander IV. who ſucceeded him in the papal throne, continued the ſame policy: And Henry was ſurprized to find himſelf on a ſudden involved in an immenſe debt, which he had never been conſulted in contracting. The ſum already amounted to 135,541 marks beſide intereſt [k]; and he had the proſpect, if he anſwered this demand, of being ſoon loaded with more exorbitant expences; if he refuſed it, of both incurring the pope's diſpleaſure, and loſing the crown of Sicily, which he hoped ſoon to have the glory of fixing on the head of his ſon.

He applied to the parliament for ſupply; and that he might be ſure not to meet with oppoſition, he ſent no writs to the more refractory barons: But even thoſe who were ſummoned, ſenſible of the ridiculous cheat, impoſed by the pope, determined not to laviſh their money on ſuch chimerical projects; and making a pretext of the abſence of their brethren, they refuſed to take the king's demands into conſideration [l]. In this extremity the clergy were his only reſource; and as both their temporal and ſpiri-

[h] M. Paris, p. 650. [i] Rymer, vol. i. p. 502. 512. 530. M. Paris, p. 599. 613. [k] Rymer, vol. i. p. 587. Chron. Dunſt. vol. i. p. 319. [l] M. Paris, p. 614.

tual

tual ſovereign concurred in loading them, they were ill able to defend themſelves againſt this united authority. CHAP. XII. 1255.

THE pope publiſhed a cruſade for the conqueſt of Sicily; and required every one, who had taken the croſs againſt the Infidels, or had vowed to advance money for that ſervice, to ſupport the war againſt Mainfroy, a more terrible enemy, as he pretended, to the Chriſtian faith than any Saracen [m]. He levied a tenth on all eccleſiaſtical benefices in England for three years; and gave orders to excommunicate all biſhops, who made not punctual payment. He granted to the king the goods of inteſtate clergymen; the revenues of vacant benefices; the revenues of all non-reſidents [n]. But theſe taxations, being levied by ſome rule, were deemed leſs grievous, than another impoſition, which aroſe from the ſuggeſtion of the biſhop of Hereford, and which might have opened the door to endleſs and intolerable abuſes.

THIS prelate, who reſided at the court of Rome by a deputation from the Engliſh church, drew bills of different values, but amounting on the whole to 150,540 marks, on all the biſhops and abbots of the kingdom; and granted theſe bills to Italian merchants, who, it was pretended, had advanced money for the ſervice of the war againſt Mainfroy [o]. As there was no likelihood of the Engliſh prelates' ſubmitting, without compulſion, to ſuch an extraordinary demand, Ruſtand, the legate, was charged with the commiſſion of employing authority to that purpoſe; and he ſummoned an aſſembly of the biſhops and abbots, whom he acquainted with the pleaſure of the pope and of the king. Great were the ſurprize and indignation of the aſſembly: The biſhop of Worceſter exclaimed, that he would loſe his life rather

[m] Rymer, vol. i. p. 547, 548, &c. [n] Rymer, vol. i. p. 597, 598.
[o] M. Paris, p. 612. 628. Chron. T. Wykes, p. 54.

than

CHAP. XII.

1255. than comply: The bishop of London said, that the pope and king were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place [p]. The legate was no less violent on the other hand; and he told the assembly, in plain terms, that all ecclesiastical benefices were the property of the pope, and he might dispose of them, either in whole or in part, as he saw proper [q]. In the end, the bishops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to submit to the exaction: And the only mitigation, which the legate allowed them, was, that the tenths, already granted, should be accepted as a partial payment of the bills. But the money was still insufficient for the pope's purpose: The conquest of Sicily was as remote as ever: The demands which came from Rome were endless: Pope Alexander became so urgent a creditor, that he sent over a legate to England; threatening the kingdom with an interdict, and the king with excommunication, if the arrears, which he pretended to be due to him, were not instantly remitted [r]: And at last, Henry, sensible of the cheat, began to think of breaking off the agreement, and of resigning into the pope's hands that crown, which, it was not intended by Alexander, that he or his family should ever enjoy [s].

Earl of Cornwal elected king of the Romans.

THE earl of Cornwal had now reason to value himself on his foresight, in refusing the fraudulent bargain with Rome, and in preferring the solid honours of an opulent and powerful prince of the blood of England, to the empty and precarious glory of a foreign dignity. But he had not always firmness sufficient to adhere to this resolution: His vanity and ambition prevailed at last over his prudence and his avarice; and he was engaged in an

[p] M. Paris, p. 614. [q] M. Paris, p. 619. [r] Rymer, vol. i. p. 624. M. Paris, p. 648. [s] Rymer, vol. i. p. 630.

enterprize no leſs expenſive and vexatious than that of his brother, and not attended with much greater probability of ſucceſs. The immenſe opulence of Richard having made the German princes caſt their eye on him as a candidate for the empire; he was tempted to expend vaſt ſums of money on his election, and he ſucceeded ſo far as to be choſen king of the Romans, which ſeemed to render his ſucceſſion infallible to the imperial throne. He went over to Germany, and carried out of the kingdom no leſs a ſum than ſeven hundred thouſand marks, if we may credit the account given by ſome ancient authors [s], which is probably much exaggerated [t]. His money, while it laſted, procured him friends and partizans: But it was ſoon drained from him by the avidity of the German princes; and, having no perſonal or family connexions in that country, and no ſolid foundation of power, he found at laſt, that he had laviſhed away the frugality of a whole life, in order to procure a ſplendid title, and that his abſence from England, joined to the weakneſs of his brother's government, gave reins to the factious and turbulent diſpoſitions of the Engliſh barons, and involved his own country and family in great calamities. CHAP. XII. 1255.

THE ſucceſsful revolt of the nobility from king John, and their impoſing on him and his ſucceſſors limitations of their royal power, had made them feel their own weight Diſcontents of the barons.

[s] M. Paris, p. 638. The ſame author, a few pages before, makes Richard's treaſures amount to little more than half the ſum, p. 634. The king's diſſipations and expences, throughout his whole reign, according to the ſame author, had amounted only to about 940,000 marks, p. 638.

[t] The ſums mentioned by ancient authors, who were almoſt all monks, are often improbable, and never conſiſtent. But we know from an infallible authority, the public remonſtrance to the council of Lyons, that the king's revenues were below 60,000 marks a year: His brother therefore could never have been maſter of 700,000 marks; eſpecially as he did not ſell his eſtates in England, as we learn from the ſame author: And we hear afterwards of his ordering all his woods to be cut, in order to ſatisfy the rapacity of the German princes: His ſon ſucceeded to the earldom of Cornwal and his other revenues.

and

CHAP. XII.

1255. and importance, had set a dangerous precedent of resistance, and being followed by a long minority, had impoverished, as well as weakened that crown, which they were at last induced, from the fear of worse consequences, to re-place on the head of young Henry. In the king's situation, either great abilities and vigour were requisite to overawe the barons, or great caution and reserve to give them no pretence for complaints; and it must be confessed, that this prince was possessed of neither of these talents. He had not prudence to chuse right measures; he wanted even that constancy, which sometimes gives weight to wrong ones; he was entirely devoted to his favourites, who were always foreigners; he lavished on them without discretion his diminished revenue; and finding, that his barons indulged their disposition towards tyranny, and observed not to their own vassals the same rules, which they had imposed on the crown, he was apt, in his administration, to neglect all the salutary articles of the Great Charter; which he remarked to be so little regarded by his nobility. This conduct had extremely lessened his authority in the kingdom; had multiplied complaints against him; and had frequently exposed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he desired a supply from parliament, the barons, complaining of the frequent breaches of the Great Charter, and of the many fruitless applications which they had formerly made for the redress of this and other grievances, demanded in return, that he should give them the nomination of the great justiciary and of the chancellor, to whose hands chiefly the administration of justice was committed: And, if we may credit the historian [u], they had formed the plan of other limitations, as well as of associations to maintain them, which would have reduced the king to be an absolute

[u] M. Paris, p. 432.

cypher,

cypher, and have held the crown in perpetual pupillage and dependance. The king, to satisfy them, would agree to nothing but a renewal of the charter, and a general permission to excommunicate all the violaters of it: And he received no supply, except a scutage of twenty shillings on each knight's fee for the marriage of his eldest daughter to the king of Scotland; a burthen, which was expressly annexed to their feudal tenures. CHAP. XII. 1255.

FOUR years after, in a full parliament, when Henry demanded a new supply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was asked, whether he did not blush to desire any aid from his people, whom he professedly hated and despised, to whom on all occasions he preferred aliens and foreigners, and who groaned under the oppressions, which he either permitted or exercised over them. He was told, that, besides disparaging his nobility by forcing them to contract unequal and mean marriages with strangers, no rank of men was so low as to escape vexations from him or his ministers; that even the victuals consumed in his household, the clothes which himself and his servants wore, still more the wine which they used, were all taken by violence from the lawful owners, and no compensation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, shunned the English harbours, as if they were possessed by pirates, and the commerce with all nations was thus cut off by these acts of violence; that loss was added to loss, and injury to injury, while the merchants, who had been despoiled of their goods, were also obliged to carry them at their own charge to whatever place the king was pleased to appoint them; that even the poor fishermen on the coast could not escape his oppressions and those of his courtiers; and finding that they had not full liberty to dispose of their commo-

CHAP. XII.

1255. dities in the Engliſh market, were frequently conſtrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than thoſe which awaited them from his oppreſſive emiſſaries; and that his very religion was a ground of complaint to his ſubjects, while they obſerved, that the waxen tapers and ſplendid ſilks, employed in ſo many uſeful proceſſions, were the ſpoils which he had forcibly raviſhed from the true owners [w]. Throughout this remonſtrance, in which the complaints, derived from an abuſe of the ancient right of purveyance, may be ſuppoſed to be ſomewhat exaggerated, there appears a ſtrange mixture of regal tyranny in the practices which gave riſe to it, and of ariſtocratical liberty or rather licentiouſneſs in the expreſſions employed by the parliament. But a mixture of this kind is obſervable in all the ancient feudal governments; and both of them proved equally hurtful to the people.

As the king, in anſwer to their remonſtrance, gave the parliament only good words and fair promiſes, attended with the moſt humble ſubmiſſions, which they had often found deceitful, he obtained at that time no ſupply; and therefore, in the year 1253, when he found himſelf again under the neceſſity of applying to parliament, he had provided a new pretence, which he deemed infallible, and taking the vow of a Cruſade, he demanded their aſſiſtance in that pious enterprize [x]. The parliament, however, for ſome time heſitated to comply; and the eccleſiaſtical order ſent a deputation conſiſting of four prelates, the primate, and the biſhops of Wincheſter, Saliſbury, and Carliſle, in order to remonſtrate with him on his frequent violations of their privileges, the oppreſſions with which he had loaded them and all his ſubjects [y], and the unca-

[w] M. Paris, p. 498. See farther, p. 578. M. Weſt. p. 348.
[x] M. Paris, p. 518. 558. 568. Chron. Dunſt. vol. i. p. 293.
[y] M. Paris, p. 568.

nonical and forced elections, which were made to vacant dignities. "It is true," replied the king, "I have "been somewhat faulty in this particular: I obtruded "you my lord of Canterbury, upon your see: I was "obliged to employ both entreaties and menaces, my "lord of Winchester, to have you elected: My proceed- "ings, I confess, were very irregular, my lords of Sa- "lisbury and Carlisle, when I raised you from the lowest "stations to your present dignities: I am determined "henceforth to correct these abuses; and it will also be- "come you, in order to make a thorough reformation, "to resign your present benefices; and try to enter again "in a more regular and canonical manner[z]." The bishops, surprized at these unexpected sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future. The king promised redress both of ecclesiastical and civil grievances; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices, and a scutage of three marks on each knight's fee: But as they had experienced his frequent breach of promise, they required, that he should ratify the Great Charter in a manner still more authentic and more solemn than any which he had hitherto employed. All the prelates and abbots were assembled: They held burning tapers in their hands: The Great Charter was read before them: They denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law: They threw their tapers on the ground, and exclaimed, *May the soul of every one, who incurs this sentence, so stink and corrupt in Hell!* The king bore a part in this ceremony; and subjoined: "So help me God, I will keep all these "articles inviolate, as I am a man, as I am a christian, "as I am a knight, and as I am a king crowned and "anointed."

CHAP. XII. 1255.

[z] M. Paris, p. 579.

CHAP. XII.

1255.

"anointed [a]." Yet was the tremendous ceremony no sooner finished, than his favourites, abusing his weakness, made him return to the same arbitrary and irregular administration; and the reasonable expectations of his people were thus perpetually eluded and disappointed [b].

1258. Simon de Mountfort earl of Leicester.

All these imprudent and illegal measures afforded a pretence to Simon de Mountfort, earl of Leicester, to attempt an innovation in the government, and to wrest the sceptre from the feeble and irresolute hand which held it. This nobleman was a younger son of that Simon de Mountfort, who had conducted with such valour and renown the Crusade against the Albigenses, and who, though he tarnished his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the ecclesiastics. A large inheritance in England fell by succession to this family; but as the elder brother enjoyed still more opulent possessions in France, and could not perform fealty to two masters, he transferred his right to Simon, his younger brother, who came over to England, did homage for his lands, and was raised to the dignity of earl of Leicester. In the year 1238, he espoused Eleanor dowager of William earl of Pembroke, and sister to the king [c]; but the marriage of this princess with a subject and a foreigner, though contracted with Henry's consent, was loudly complained of by the earl of Cornwal, and all the barons of England; and Leicester was supported against their violence, by the king's favour and authority alone [d]. But he had no sooner established himself in his possessions and dignities, than he acquired, by insinuation and address, a strong

[a] M. Paris, p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. West. p. 353. [b] M. Paris, p. 597. 608.
[c] Ibid. p. 314. [d] Ibid. p 315.

interest

intereſt with the nation, and gained equally the affections of all orders of men. He loſt, however, the friendſhip of Henry from the uſual levity and fickleneſs of that prince; he was baniſhed the court; he was recalled; he was entruſted with the command of Guienne [e], where he did good ſervice and acquired honour; he was again diſgraced by the king, and his baniſhment from court ſeemed now final and irrevocable. Henry called him traitor to his face; Leiceſter gave him the lye, and told him, that, if he were not his ſovereign, he would ſoon make him repent of that inſult. Yet was this quarrel accommodated either from the good-nature or timidity of the king; and Leiceſter was again admitted into ſome degree of favour and authority. But as this nobleman was become too great to preſerve an entire complaiſance to Henry's humours, and to act in ſubſerviency to his other minions; he found more advantage in cultivating his intereſt with the public, and in inflaming the general diſcontents, which prevailed againſt the adminiſtration. He filled every place with complaints againſt the infringement of the Great Charter, the acts of violence committed on the people, the combination between the pope and the king in their tyranny and extortions, Henry's neglect of his native ſubjects and barons; and though himſelf a foreigner, he was more loud than any in repreſenting the indignity of ſubmitting to the dominion of foreigners. By his hypocritical pretenſions to devotion, he gained the favour of the zealots and clergy: By his ſeeming concern for public good, he acquired the affections of the public: And beſides the private friendſhips, which he had cultivated with the barons, his animoſity againſt the favourites created an union of intereſts between him and that powerful order.

CHAP. XII. 1258.

A RECENT quarrel, which broke out between Leiceſter and William de Valence, Henry's half brother, and

[e] Rymer, vol. i. p. 459. 513.

CHAP. XII.

1258. chief favourite, brought matters to extremity [f], and determined the former to give full ſcope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty reſtrained. He ſecretly called a meeting of the moſt conſiderable barons, particularly Humphrey de Bohun, high conſtable, Roger Bigod, earl mareſchal, and the earls of Warwic and Gloceſter; men, who by their family and poſſeſſions ſtood in the firſt rank of the Engliſh nobility. He repreſented to this company the neceſſity of reforming the ſtate, and of putting the execution of the laws into other hands than thoſe which had hitherto appeared, from repeated experience, ſo unfit for the charge with which they were entruſted. He exaggerated the oppreſſions exerciſed againſt the lower orders of the ſtate, the violations of the barons' privileges, the continued depredations made on the clergy; and in order to aggravate the enormity of this conduct, he appealed to the Great Charter, which Henry had ſo often ratified, and which was calculated to prevent for ever the return of thoſe intolerable grievances. He magnified the generoſity of their anceſtors, who, at a great expence of blood, had extorted that famous conceſſion from the crown; but lamented their own degeneracy, who allowed ſo important an advantage, once obtained, to be wreſted from them by a weak prince and by inſolent ſtrangers. And he inſiſted, that the king's word, after ſo many ſubmiſſions and fruitleſs promiſes on his part, could no longer be relied on; and that nothing but his abſolute inability to violate national privileges could henceforth enſure the regular obſervance of them.

THESE topics, which were founded in truth, and ſuited ſo well the ſentiments of the company, had the deſired effect; and the barons embraced a reſolution of redreſſing the public grievances, by taking into their own hands the

[f] M. Paris, p. 649.

adminiſtration

administration of government. Henry having summoned a parliament, in expectation of receiving supplies for his Sicilian project, the barons appeared in the hall, clad in complete armour, and with their swords by their side: The king on his entry, struck with the unusual appearance, asked them what was their purpose, and whether they pretended to make him their prisoner[g]? Roger Bigod replied in the name of the rest, that he was not their prisoner, but their sovereign; that they even intended to grant him large supplies, in order to fix his son on the throne of Sicily; that they only expected some return for this expence and service; and that, as he had frequently made submissions to the parliament, had acknowledged his past errors, and had still allowed himself to be carried into the same path, which gave them such just reason of complaint, he must now yield to more strict regulations, and confer authority on those who were able and willing to redress the national grievances. Henry, partly allured by the hopes of supply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promised to summon another parliament at Oxford, in order to digest the new plan of government, and to elect the persons, who were to be entrusted with the chief authority. CHAP. XII. 1258.

THIS parliament, which the royalists, and even the nation, from experience of the confusions that attended its measures, afterwards denominated the *mad parliament*, met on the day appointed; and as all the barons brought along with them their military vassals, and appeared with an armed force, the king, who had taken no precautions against them, was in reality a prisoner in their hands, and was obliged to submit to all the terms which they were pleased to impose upon him. Twelve barons were selected from among the king's ministers; twelve more were 11 June. Provisions of Oxford

g Annal. Theokesbury.

CHAP. XII.

chosen by parliament: To these twenty-four, unlimited authority was granted to reform the state; and the king himself took an oath, that he would maintain whatever ordinances they should think proper to enact for that purpose [h]. Leicester was at the head of this supreme council, to which the legislative power was thus in reality transferred; and all their measures were taken by his secret influence and direction. Their first step bore a specious appearance, and seemed well calculated for the end, which they professed to be the object of all these innovations: They ordered that four knights should be chosen by each county; that they should make enquiry into the grievances of which their neighbourhood had reason to complain, and should attend the ensuing parliament, in order to give information to that assembly of the state of their particular counties [i]: A nearer approach to our present constitution than had been made by the barons in the reign of king John, when the knights were only appointed to meet in their several counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact some regulations, as a redress of such grievances as were supposed to be sufficiently notorious. They ordered, that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new sheriff should be annually elected by the votes of the freeholders in each county [k]; that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles intrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations

1258.

[h] Rymer, vol. i. p. 655. Chron. Dunst. vol. i. p. 334. Knyghton, p. 2445. [i] M. Paris, p. 657. Addit. p. 140. Ann. Burt. p. 412. [k] Chron. Dunst. vol. i. p. 336.

which

which the twenty-four barons eſtabliſhed at Oxford, for the redreſs of public grievances. CHAP. XII. 1258.

But the earl of Leiceſter and his aſſociates, having advanced ſo far to ſatisfy the nation, inſtead of continuing in this popular courſe, or granting the king that ſupply which they had promiſed him, immediately provided for the extenſion and continuance of their own authority. They rouzed anew the popular clamour, which had long prevailed againſt foreigners; and they fell with the utmoſt violence on the king's half-brothers, who were ſuppoſed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, ſenſible of their danger, took to flight, with an intention of making their eſcape out of the kingdom; they were eagerly purſued by the barons; Aymer, one of the brothers, who had been elected to the ſee of Wincheſter, took ſhelter in his epiſcopal palace, and carried the others along with him; they were ſurrounded in that place, and threatened to be dragged out by force, and to be puniſhed for their crimes and miſdemeanors; and the king, pleading the ſacredneſs of an eccleſiaſtical ſanctuary, was glad to extricate them from this danger by baniſhing them the kingdom. In this act of violence, as well as in the former uſurpations of the barons, the queen and her uncles were thought to have ſecretly concurred; being jealous of the credit acquired by the brothers, which, they found, had eclipſed and annihilated their own.

Uſurpations of the barons.

But the ſubſequent proceedings of the twenty-four barons were ſufficient to open the eyes of the nation, and to prove their intention of reducing for ever both the king and the people under the arbitrary power of a very narrow ariſtocracy, which muſt at laſt have terminated either in anarchy, or in a violent uſurpation and tyranny. They pretended, that they had not yet digeſted all the regulations neceſſary for the reformation of the ſtate, and for

CHAP. XII. 1258.

for the redreſs of grievances; and that they muſt ſtill retain their power, till that great purpoſe were thoroughly effected: In other words, that they muſt be perpetual governors, and muſt continue to reform, till they were pleaſed to abdicate their authority. They formed an aſſociation among themſelves, and ſwore that they would ſtand by each other with their lives and fortunes: They diſplaced all the chief officers of the crown, the juſticiary, the chancellor, the treaſurer; and advanced either themſelves or their own creatures in their place: Even the offices of the king's houſehold were diſpoſed of at their pleaſure: The government of all the caſtles was put into hands in whom they found reaſon to confide: And the whole power of the ſtate being thus transferred to them, they ventured to impoſe an oath; by which all the ſubjects were obliged to ſwear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honour of the church, the ſervice of the king, and the advantage of the kingdom[l]. No one dared to withſtand this tyrannical authority: Prince Edward himſelf, the king's eldeſt ſon, a youth of eighteen, who began to give indications of that great and manly ſpirit, which appeared throughout the whole courſe of his life, was, after making ſome oppoſition, conſtrained to take that oath, which really depoſed his father and his family from ſovereign authority[m]. Earl Warrenne was the laſt perſon in the kingdom, that could be brought to give the confederated barons this mark of ſubmiſſion.

But the twenty-four barons, not content with the uſurpation of the royal power, introduced an innovation in the conſtitution of parliament, which was of the utmoſt importance. They ordained, that this aſſembly

[l] Chron. T. Wykes, p. 52. [m] Ann. Burt. p. 411.

ſhould

CHAP. XII.

1258.

ſhould chuſe a committee of twelve perſons, who ſhould, in the intervals of the ſeſſions, poſſeſs the authority of the whole parliament, and ſhould attend on a ſummons the perſon of the king, in all his motions. But ſo powerful were theſe barons, that this regulation was alſo ſubmitted to; the whole government was overthrown or fixed on new foundations; and the monarchy was totally ſubverted, without its being poſſible for the king to ſtrike a ſingle ſtroke in defence of the conſtitution againſt the newly erected oligarchy.

1259.

THE report, that the king of the Romans intended to pay a viſit to England, gave alarm to the ruling barons, who dreaded leſt the extenſive influence and eſtabliſhed authority of that prince would be employed to reſtore the prerogatives of his family, and overturn their plan of government [n]. They ſent over the biſhop of Worceſter, who met him at St. Omars; aſked him, in the name of the barons, the reaſon of his journey, and how long he intended to ſtay in England; and inſiſted, that, before he entered the kingdom, he ſhould ſwear to obſerve the regulations eſtabliſhed at Oxford. On Richard's refuſal to take this oath, they prepared to reſiſt him as a public enemy; they fitted out a fleet, aſſembled an army, and exciting the inveterate prejudices of the people againſt foreigners, from whom they had ſuffered ſo many oppreſſions, ſpread the report that Richard, attended by a number of ſtrangers, meant to reſtore by force the authority of his exiled brothers, and to violate all the ſecurities provided for public liberty. The king of the Romans was at laſt obliged to ſubmit to the terms required of him [o].

BUT the barons, in proportion to their continuance in power, began gradually to loſe that popularity, which had aſſiſted them in obtaining it; and men repined, that

[n] M. Paris, p. 661.

[o] Ibid. p. 661, 662. Chron. T. Wykes, p. 53.

regulations,

CHAP. XII.

1259.

regulations, which were occaſionally eſtabliſhed, for the reformation of the ſtate, were likely to become perpetual, and to ſubvert entirely the ancient conſtitution. They were apprehenſive, leſt the power of the nobles, always oppreſſive, ſhould now exert itſelf without controul, by removing the counterpoiſe of the crown; and their fears were increaſed by ſome new edicts of the barons, which were plainly calculated to procure to themſelves an impunity in all their violences. They appointed, that the circuits of the itinerant juſtices, the ſole check on their arbitrary conduct, ſhould be held only once in ſeven years; and men eaſily ſaw, that a remedy, which returned after ſuch long intervals, againſt an oppreſſive power, which was perpetual, would prove totally inſignificant and uſeleſs [p]. The cry became loud in the nation, that the barons ſhould finiſh their intended regulations. The knights of the ſhires, who ſeem now to have been pretty regularly aſſembled, and ſometimes in a ſeparate houſe, made remonſtrances againſt the ſlowneſs of their proceedings. They repreſented, that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to prince Edward, and claimed his interpoſition for the intereſts of the nation, and the reformation of the government [q]. The prince replied, that, though it was from conſtraint, and contrary to his private ſentiments, he had ſworn to maintain the proviſions of Oxford, he was determined to obſerve his oath: But he ſent a meſſage to the barons, requiring them to bring their undertaking to a ſpeedy concluſion, and fulfil their engagements to the public: Otherwiſe, he menaced them, that, at the expence of his life, he would oblige

[p] M. Paris, p. 667. Trivet, p. 209.

[q] Annal. Burt. p. 427.

them

them to do their duty, and would ſhed the laſt drop of his blood in promoting the intereſts, and ſatisfying the juſt wiſhes of the nation [r]. CHAP. XII. 1259.

THE barons, urged by ſo preſſing a neceſſity, publiſhed at laſt a new code of ordinances for the reformation of the ſtate [s]: But the expectations of the people were extremely diſappointed, when they found, that theſe conſiſted only of ſome trivial alterations in the municipal law; and ſtill more, when the barons pretended, that the taſk was not yet finiſhed, and that they muſt farther prolong their authority, in order to bring the work of reformation to the deſired period. The current of popularity was now much turned to the ſide of the crown; and the barons had little to rely on for their ſupport, beſides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this baſis of power was daily weakened by their inteſtine jealouſies and animoſities; their ancient and inveterate quarrels broke out when they came to ſhare the ſpoils of the crown; and the rivalſhip between the earls of Leiceſter and Gloceſter, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretenſions, was deſirous of ſtopping or retarding the career of the barons' uſurpations; but the former, enraged at the oppoſition which he met with in his own party, pretended to throw up all concern in Engliſh affairs; and he retired into France [t].

THE kingdom of France, the only ſtate with which England had any conſiderable intercourſe, was at this time governed by Lewis IX. a prince of the moſt ſingular character that is to be met with in all the records of hiſtory. This monarch united, to the mean and abject ſuperſtition of a monk, all the courage and magnanimity

[r] Annal. Burt. p. 427. [s] Ibid. p. 428. 439. [t] Chron. Dunſt. vol. i. p. 348.

of

CHAP. XII.

of the greateſt hero; and, what may be deemed more extraordinary, the juſtice and integrity of a diſintereſted patriot, the mildneſs and humanity of an accompliſhed philoſopher. So far from taking advantage of the diviſions among the Engliſh, or attempting to expel thoſe dangerous rivals from the provinces, which they ſtill poſſeſſed in France; he had entertained many ſcruples with regard to the ſentence of attainder pronounced againſt the king's father, had even expreſſed ſome intention of reſtoring the other provinces, and was only prevented from taking that imprudent reſolution, by the united remonſtrances of his own barons, who repreſented the extreme danger of ſuch a meaſure [u], and, what had a greater influence on Lewis, the juſtice of puniſhing by a legal ſentence the barbarity and felony of John. Whenever this prince interpoſed in Engliſh affairs, it was always with an intention of compoſing the differences between the king and his nobility; he recommended to both parties every peaceable aud reconciling meaſure; and he uſed all his authority with the earl of Leiceſter, his native ſubject, to bend him to a compliance with Henry. He made a treaty with England, at a time when the diſtractions of that kingdom were at the greateſt height, and when the king's authority was totally annihilated; and the terms, which he granted, might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous to the Engliſh. He yielded up ſome territories which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry; he agreed to pay that prince a large ſum of money; and he only required that the king ſhould, in return, make a final ceſſion of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms [w].

1259.

20th May.

[u] M. Paris, p. 604.

[w] Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. Weſt. p. 371.

This

This ceſſion was ratified by Henry, by his two ſons, and two daughters, and by the king of the Romans and his three ſons: Leiceſter alone, either moved by a vain arrogance, or deſirous to ingratiate himſelf with the Engliſh populace, proteſted againſt the deed, and inſiſted on the right, however diſtant, which might accrue to his conſort[x]. Lewis ſaw in his obſtinacy the unbounded ambition of the man; and as the barons inſiſted, that the money, due by treaty, ſhould be at their diſpoſal, not at Henry's, he alſo ſaw, and probably with regret, the low condition, to which this monarch, who had more erred from weakneſs than from any bad intentions, was reduced by the turbulence of his own ſubjects. CHAP. XII. 1259.

BUT the ſituation of Henry ſoon after wore a more favourable aſpect. The twenty-four barons had now enjoyed the ſovereign power near three years; and had viſibly employed it, not for the reformation of the ſtate, which was their firſt pretence, but for the aggrandizement of themſelves and of their families. The breach of truſt was apparent to all the world: Every order of men felt it, and murmured againſt it: The diſſenſions among the barons themſelves, which encreaſed the evil, made alſo the remedy more obvious and eaſy: And the ſecret deſertion in particular of the earl of Gloceſter to the crown, ſeemed to promiſe Henry certain ſucceſs in any attempt to reſume his authority. Yet durſt he not take that ſtep, ſo reconcilable both to juſtice and policy, without making a previous application to Rome, and deſiring an abſolution from his oaths and engagements[y]. 1261.

THE pope was at this time much diſſatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had expelled all the Italian eccleſiaſtics, had confiſcated their benefices, and

[x] Chron. T. Wykes, p. 53.

[y] Ann. Burt, p. 389.

ſeemed

CHAP. XII.

1261. seemed determined to maintain the liberties and privileges of the English church, in which the rights of patronage, belonging to their own families, were included. The extreme animosity of the English clergy against the Italians was also a source of his disgust to this order; and an attempt, which had been made by them for farther liberty and greater independance on the civil power, was therefore less acceptable to the court of Rome [z]. About the same time, that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a synod at Merton, and passed several ordinances, which were no less calculated to promote their own grandeur at the expence of the crown. They decreed, that it was unlawful to try ecclesiastics by secular judges; that the clergy were not to regard any prohibitions from civil courts; that lay-patrons had no right to confer spiritual benefices; that the magistrate was obliged, without farther enquiry, to imprison all excommunicated persons; and that ancient usage, without any particular grant or charter, was a sufficient authority for any clerical possessions or privileges [a]. About a century before, these claims would have been supported by the court of Rome beyond the most fundamental articles of faith: They were the chief points maintained by the great martyr, Becket; and his resolution in defending them had exalted him to the high station which he held in the catalogue of Romish saints. But principles were changed with the times: The pope was become somewhat jealous of the great independance of the English clergy, which made them stand less in need of his protection, and even emboldened them to resist his authority, and to complain of the preference given to the Italian courtiers, whose interests, it is natural to imagine, were the chief object of his concern. He was ready therefore, on the king's application, to

[z] Rymer, vol. i. p. 755.

[a] Ann. Burt. p. 389.

annul

annul these new constitutions of the church of England [b]. And, at the same time, he absolved the king and all his subjects from the oath which they had taken to observe the provisions of Oxford [c]. CHAP. XII. 1261.

Prince Edward. PRINCE Edward, whose liberal mind, though in such early youth, had taught him the great prejudice, which his father had incurred, by his levity, inconstancy, and frequent breach of promise, refused for a long time to take advantage of this absolution; and declared that the provisions of Oxford, how unreasonable soever in themselves, and how much soever abused by the barons, ought still to be adhered to by those who had sworn to observe them [d]: He himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions both during his own reign and that of his father.

THE situation of England, during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular military force maintained in the nation: The sword, however, was not, properly speaking, in the hands of the people: The barons were alone entrusted with the defence of the community; and after any effort, which they made, either against their own prince, or against foreigners, as the military retainers departed home, the armies were disbanded, and could not speedily be re-assembled at pleasure. It was easy therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops, and to appear unexpectedly in the field with an army, which

[b] Rymer, vol. i. p. 755. [c] Rymer, vol. i. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neuf. p. 468. Knyghton, p. 2446.
[d] M. Paris, p. 667.

CHAP. XII.

their antagoniſts, though equal or even ſuperior in power and intereſt, would not dare to encounter. Hence the
1261. ſudden revolutions, which often took place in thoſe governments: Hence the frequent victories obtained without a blow by one faction over the other: And hence it happened, that the ſeeming prevalence of a party, was ſeldom a prognoſtic of its long continuance in power and authority.

1262. THE king, as ſoon as he received the pope's abſolution from his oath, accompanied with menaces of excommunication againſt all opponents, truſting to the countenance of the church, to the ſupport promiſed him by many conſiderable barons, and to the returning favour of the people, immediately took off the maſk. After juſtifying his conduct by a proclamation, in which he ſet forth the private ambition, and the breach of truſt, conſpicuous in Leiceſter and his aſſociates, he declared, that he had reſumed the government, and was determined thenceforth to exert the royal authority for the protection of his ſubjects. He removed Hugh le Deſpenſer and Nicholas de Ely, the juſticiary and chancellor appointed by the barons; and put Philip Baſſet and Walter de Merton in their place. He ſubſtituted new ſheriffs in all the counties, men of character and honour: He placed new governors in moſt of the caſtles: He changed
23 April. all the officers of his houſhold: He ſummoned a parliament, in which the reſumption of his authority was ratified, with only five diſſenting voices: And the barons, after making one fruitleſs effort, to take the king by ſurprize at Wincheſter, were obliged to acquieſce in thoſe new regulations [e].

THE king, in order to cut off every objection to his conduct, offered to refer all the differences between him

[e] M. Paris, p. 668. Chron. T. Wykes, p. 55.

and

and the earl of Leiceſter, to Margaret queen of France[f]. CHAP. XII. The celebrated integrity of Lewis gave a mighty influence to any deciſion which iſſued from his court; and Henry probably hoped, that the gallantry, on which all barons, as true knights, valued themſelves, would make them aſhamed not to ſubmit to the award of that princeſs. Lewis merited the confidence repoſed in him. By an admirable conduct, probably as political as juſt, he continually interpoſed his good offices to allay the civil diſcords of the Engliſh: He forwarded all healing meaſures, which might give ſecurity to both parties: And he ſtill endeavoured, though in vain, to ſooth by perſuaſion the fierce ambition of the earl of Leiceſter, and to convince him how much it was his duty to ſubmit peaceably to the authority of his ſovereign. 1262.

THAT bold and artful conſpirator was nowiſe diſcouraged by the bad ſucceſs of his paſt enterprizes. The death of Richard earl of Gloceſter, who was his chief rival in power, and who, before his deceaſe, had joined the royal party, ſeemed to open a new field to his violence, and to expoſe the throne to freſh inſults and injuries. It was in vain, that the king profeſſed his intentions of obſerving ſtrictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except thoſe which entirely annihilated the royal authority: Theſe powerful chieftains, now obnoxious to the court, could not peaceably reſign the hopes of entire independance and uncontrouled power, with which they had flattered themſelves, and which they had ſo long enjoyed. Many of them engaged in Leiceſter's views, and among the reſt, Gilbert, the young earl of Gloceſter, who brought him a mighty acceſſion of power, from the extenſive authority poſſeſſed by that opu- 1263. Civil wars of the barons.

[f] Rymer, vol. i. p. 724.

CHAP. XII.

lent family. Even Henry, ſon of the king of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons againſt the king, the head of his own family. Leiceſter himſelf, who ſtill reſided in France, ſecretly formed the links of this great conſpiracy, and planned the whole ſcheme of operations.

1263.

THE princes of Wales, notwithſtanding the great power of the monarchs, both of the Saxon and Norman line, ſtill preſerved authority in their own country. Though they had often been conſtrained to pay tribute to the crown of England, they were with difficulty retained in ſubordination or even in peace; and almoſt through every reign ſince the conqueſt, they had infeſted the Engliſh frontiers with ſuch petty incurſions and ſudden inroads, as ſeldom merit to have place in a general hiſtory. The Engliſh, ſtill content with repelling their invaſions, and chacing them back into their mountains, had never purſued the advantages obtained over them, nor been able, even under their greateſt and moſt active princes, to fix a total, or ſo much as a feudal ſubjection on the country. This advantage was reſerved to the preſent king, the weakeſt and moſt indolent. In the year 1237, Lewellyn, prince of Wales, declining in years and broken with infirmities, but ſtill more haraſſed with the rebellion and undutiful behaviour of his younger ſon, Griffin, had recourſe to the protection of Henry; and conſenting to ſubject his principality, which had ſo long maintained, or ſoon recovered, its independance, to vaſſalage under the crown of England, had purchaſed ſecurity and tranquillity on theſe diſhonourable terms. His eldeſt ſon and heir, David, renewed the homage to England; and having taken his brother priſoner, delivered him into Henry's hands, who committed him to cuſtody in the Tower. That prince, endeavouring to make his eſcape, loſt his life

life in the attempt; and the prince of Wales, freed from the apprehenſions of ſo dangerous a rival, paid thenceforth leſs regard to the Engliſh monarch, and even renewed thoſe incurſions, by which the Welſh, during ſo many ages, had been accuſtomed to infeſt the Engliſh borders. Lewellyn, however, the ſon of Griffin, who ſucceeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an eſtabliſhed right; but he was well pleaſed to inflame thoſe civil diſcords, on which he reſted his preſent ſecurity, and founded his hopes of future independance. He entered into a confederacy with the earl of Leiceſter, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer and of all the barons, who adhered to the crown [g]; he marched into Cheſhire, and committed like depredations on prince Edward's territories; every place, where his diſorderly troops appeared, was laid waſte with fire and ſword; and though Mortimer, a gallant and expert ſoldier, made ſtout reſiſtance, it was found neceſſary, that the prince himſelf ſhould head the army againſt this invader. Edward repulſed prince Lewellyn, and obliged him to take ſhelter in the mountains of North Wales: But he was prevented from making farther progreſs againſt the enemy, by the diſorders, which ſoon after broke out in England.

CHAP. XII. 1263.

THE Welſh invaſion was the appointed ſignal for the malcontent barons to riſe in arms; and Leiceſter, coming over ſecretly from France, collected all the forces of his party, and commenced an open rebellion. He ſeized the perſon of the biſhop of Hereford; a prelate obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome [h]. Simon, biſhop of Norwich, and

[g] Chron. Dunſt. vol. i. p. 354. p. 382. 392.

[h] Trivet, p. 211. M. Weſt.

CHAP. XII.

1263. John Manſel, becauſe they had publiſhed the pope's bull, abſolving the king and kingdom from their oaths to obſerve the proviſions of Oxford, were made priſoners, and expoſed to the rage of the party. The king's demeſnes were ravaged with unbounded fury [i]; and as it was Leiceſter's intereſt to allure to his ſide, by the hopes of plunder, all the diſorderly ruffians in England, he gave them a general licence to pillage the barons of the oppoſite party, and even all neutral perſons. But one of the principal reſources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretenſions to ſanctity, and his zeal againſt Rome, engaged the monks and lower eccleſiaſtics in his party, his dominion over the inferior ranks of men became uncontroulable. Thomas Fitz-Richard, mayor of London, a furious and licentious man, gave the countenance of authority to theſe diſorders in the capital; and having declared war againſt the ſubſtantial citizens, he looſened all the bands of government, by which that turbulent city was commonly but ill reſtrained. On the approach of Eaſter, the zeal of ſuperſtition, the appetite for plunder, or what is often as prevalent with the populace as either of theſe motives, the pleaſure of committing havoc and deſtruction, prompted them to attack the unhappy Jews, who were firſt pillaged without reſiſtance, then maſſacred, to the number of five hundred perſons [k]. The Lombard bankers were next expoſed to the rage of the people; and though, by taking ſanctuary in the churches, they eſcaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houſes of the rich citizens, though Engliſh, were attacked by night; and way was made by ſword and by fire to the pillage of their goods, and often to the deſtruction of their perſons. The queen, who, though defended by the Tower, was

[i] Trivet, p. 211. M. Weſt. p. 382. [k] Chron. T. Wykes, p. 59.

terrified

terrified by the neighbourhood of such dangerous commotions, resolved to go by water to the castle of Windsor; but as she approached the bridge, the populace assembled against her: The cry ran, *drown the witch*; and besides abusing her with the most opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large stones to sink her barge, when she should attempt to shoot the bridge; and she was so frightened that she returned to the Tower [l]. CHAP. XII. 1263.

The violence and fury of Leicester's faction had risen to such a height in all parts of England, that the king, unable to resist their power, was obliged to set on foot a treaty of peace; and to make an accommodation with the barons on the most disadvantageous terms [m]. He agreed to confirm anew the provisions of Oxford, even those which entirely annihilated the royal authority; and the barons were again re-instated in the sovereignty of the kingdom. They restored Hugh le Despenser to the office of chief justiciary; they appointed their own creatures sheriffs in every county of England; they took possession of all the royal castles and fortresses; they even named all the officers of the king's household; and they summoned a parliament to meet at Westminister in order to settle more fully their plan of government. They here produced a new list of twenty-four barons, to whom they proposed, that the administration should be entirely committed; and they insisted, that the authority of this junto should continue, not only during the reign of the king, but also during that of prince Edward. 18th July. 14th Oct.

This prince, the life and soul of the royal party, had unhappily, before the king's accommodation with the barons, been taken prisoner by Leicester in a parley at Windsor [n]; and that misfortune, more than any other

l Chron. T. Wykes, p. 57. Trivet, p. 211.

m Chron. Dunst. vol. i. p. 358.

n M. Paris, p. 669. Trivet, p. 213.

CHAP. XII.

1263. incident, had determined Henry to submit to the ignominious conditions imposed upon him. But Edward, having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family; and he gained a great part even among those who had at first adhered to the cause of the barons. His cousin, Henry d'Allmaine, Roger Bigod earl mareshal, earl Warrenne, Humphrey Bohun earl of Hereford, John lord Basset, Ralph Basset, Hamond l'Estrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leybourne, with almost all the Lords Marchers, as they were called, on the borders of Wales and of Scotland, the most warlike parts of the kingdom, declared in favour of the royal cause; and hostilities, which were scarcely well composed, were again renewed in every part of England. But the near balance of the parties, joined to the universal clamour of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both sides to submit their differences to the arbitration of the king of France [o].

Reference to the king of France.

THIS virtuous prince, the only man, who, in like circumstances, could safely have been intrusted with such an authority by a neighbouring nation, had never ceased to interpose his good offices between the English factions; and had even, during the short interval of peace, invited over to Paris both the king and the earl of Leicester, in order to accommodate the differences between them; but found, that the fears and animosities on both sides, as well as the ambition of Leicester, were so violent, as to render all his endeavours ineffectual. But when this solemn appeal, ratified by the oaths and subscriptions of the leaders in both factions, was made to his judgment, he was not discouraged from pursuing his

[o] M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunst. vol. i. p. 363.

honourable

honourable purpose: He summoned the states of France at Amiens; and there, in the presence of that assembly, as well as in that of the king of England and Peter de Montfort, Leicester's son, he brought this great cause to a trial and examination. It appeared to him, that the provisions of Oxford, even had they not been extorted by force, had they not been so exorbitant in their nature and subversive of the ancient constitution, were expresly established as a temporary expedient, and could not, without breach of trust, be rendered perpetual by the barons. He therefore annulled these provisions; restored to the king the possession of his castles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleased in his kingdom, and even to confer on them places of trust and dignity; and in a word, re-established the royal power in the same condition on which it stood before the meeting of the parliament at Oxford. But while he thus suppressed dangerous innovations, and preserved unimpaired the prerogatives of the English crown, he was not negligent of the rights of the people; and besides ordering that a general amnesty should be granted for all past offences, he declared, that his award was not any wise meant to derogate from the privileges and liberties which the nation enjoyed by any former concessions or charters of the crown [p].

CHAP. XII. 1264. 23d Jan.

THIS equitable sentence was no sooner known in England, than Leicester and his confederates determined to reject it, and to have recourse to arms, in order to procure to themselves more safe and advantageous conditions [q]. Without regard to his oaths and subscriptions, that enterprising conspirator directed his two sons, Richard and Peter de Montfort, in conjunction with Robert de Ferrars, earl of Derby, to attack the city

Renewal of the civil wars.

[p] Rymer, vol. i. p. 776. 777, &c. Chron. T. Wykes, p. 58. Knyghton, p. 2446. [q] Chron. Dunst. vol. i. p. 363.

of

CHAP. XII.

of Worceſter; while Henry and Simon de Montfort, two others of his ſons, aſſiſted by the prince of Wales, were ordered to lay waſte the eſtate of Roger de Mortimer. He himſelf reſided at London; and employing as his inſtrument, Fitz-Richard, the ſeditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the higheſt ferment and agitation. The populace formed themſelves into bands and companies; choſe leaders; practiſed all military exerciſes; committed violence on the royaliſts: And to give them greater countenance in their diſorders, an aſſociation was entered into between the city and eighteen great barons, never to make peace with the king but by common conſent and approbation. At the head of thoſe who ſwore to maintain this aſſociation, were the earls of Leiceſter, Gloceſter, and Derby, with le Deſpenſer, the chief juſticiary; men who had all previouſly ſworn to ſubmit to the award of the French monarch. Their only pretence for this breach of faith, was, that the latter part of Lewis's ſentence was, as they affirmed, a contradiction to the former: He ratified the charter of liberties, yet annulled the proviſions of Oxford; which were only calculated, as they maintained, to preſerve that charter; and without which, in their eſtimation, they had no ſecurity for its obſervance.

1264.

THE king and prince, finding a civil war inevitable, prepared themſelves for defence; and ſummoning the military vaſſals from all quarters, and being reinforced by Baliol lord of Galloway, Brus lord of Annandale, Henry Piercy, John Comyn [r], and other barons of the north, they compoſed an army, formidable as well from its numbers, as its military proweſs and experience. The firſt enterprize of the royaliſts was the attack of Northampton, which was defended by Simon de Montfort, with many of the principal barons of that party: And a breach being

[r] Rymer, vol. i. p. 772. M. Weſt. p. 385. Ypod. Neuſt. p. 469.

made

made in the walls by Philip Baſſet, the place was carried by aſſault, and both the governor and the garriſon were made priſoners. The royaliſts marched thence to Leiceſter and Nottingham; both which places having opened their gates to them, prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and ſword the lands of the earl of that name, and take revenge on him for his diſloyalty. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus expoſed in a moment to greater devaſtation, from the animoſities of the rival barons, than it would have ſuffered from many years of foreign or even domeſtic hoſtilities, conducted by more humane and more generous principles. CHAP. XII. 1264. 5th April.

THE earl of Leiceſter, maſter of London, and of the counties in the ſouth-eaſt of England, formed the ſiege of Rocheſter, which alone declared for the king in thoſe parts, and which, beſides earl Warrenne, the governor, was garriſoned by many noble and powerful barons of the royal party. The king and prince haſtened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leiceſter raiſed the ſiege and retreated to London, which, being the center of his power, he was afraid, might, in his abſence, fall into the king's hands, either by force, or by a correſpondence with the principal citizens, who were all ſecretly inclined to the royal cauſe. Reinforced by a great body of Londoners, and having ſummoned his partizans from all quarters, he thought himſelf ſtrong enough to hazard a general battle with the royaliſts, and to determine the fate of the nation in one great engagement; which, if it proved ſucceſsful, muſt be deciſive againſt the king, who had no retreat for his broken troops in thoſe parts; while Leiceſter himſelf, in caſe of any ſiniſter accident, could eaſily take ſhelter in the city. To give the better colouring to his cauſe, he previouſly ſent a meſſage

CHAP. XII.

1264.

a message with conditions of peace to Henry, submissive in the language, but exorbitant in the demands[s]; and when the messenger returned with the lie and defiance from the king, the prince, and the king of the Romans, he sent a new message, renouncing, in the name of himself and of the associated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: The first commanded by his two sons, Henry and Guy de Montfort, together with Humphrey de Bohun, earl of Hereford, who had deserted to the barons; the second led by the earl of Gloucester, with William de Montchesney and John Fitz-John; the third, composed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himself in person. The bishop of Chichester gave a general absolution to the army, accompanied with assurances, that, if any of them fell in the ensuing action, they would infallibly be received into heaven, as the reward of their suffering in so meritorious a cause.

Battle of Lewes. 14th May.

LEICESTER, who possessed great talents for war, conducted his march with such skill and secrecy, that he had well nigh surprized the royalists in their quarters at Lewes in Sussex: But the vigilance and activity of prince Edward soon repaired this negligence; and he led out the king's army to the field in three bodies. He himself conducted the van, attended by earl Warrenne and William de Valence: The main body was commanded by the king of the Romans and his son Henry: The king himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners, who had demanded the post of honour in leading the rebel army, but who, from their ignorance of discipline and want of experience, were ill fitted to resist the gentry and military men, of whom the prince's body was composed. They were broken in an

[s] M. Paris, p. 669. W. Heming. p. 583.

instant;

CHAP. XII.

1264.

inſtant; were chaſed off the field; and Edward, tranſported by his martial ardour, and eager to revenge the inſolence of the Londoners againſt his mother [t], put them to the ſword for the length of four miles, without giving them any quarter, and without reflecting on the fate, which in the mean time attended the reſt of the army. The earl of Leiceſter, ſeeing the royaliſts thrown into confuſion by their eagerneſs in the purſuit, led on his remaining troops againſt the bodies commanded by the two royal brothers: He defeated with great ſlaughter the forces headed by the king of the Romans; and that prince was obliged to yield himſelf priſoner to the earl of Gloceſter: He penetrated to the body, where the king himſelf was placed, threw it into diſorder, purſued his advantage, chaſed it into the town of Lewes, and obliged Henry to ſurrender himſelf priſoner [u].

PRINCE Edward, returning to the field of battle from his precipitate purſuit of the Londoners, was aſtoniſhed to find it covered with the dead bodies of his friends, and ſtill more to hear, that his father and uncle were defeated and taken priſoners, and that Arundel, Comyn, Brus, Hamon l'Eſtrange, Roger Leybourne, and many conſiderable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, ſtruck with deſpair at this event, immediately took to flight, hurried to Pevencey, and made their eſcape beyond ſea [w]: But the prince, intrepid amidſt the greateſt diſaſters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to ſnatch an eaſy conqueſt from an enemy, diſordered by their own victory [x]. He found his followers intimidated by their ſituation; while Leiceſter, afraid of a ſud-

[t] M. Paris, p. 670. Chron. T. Wykes, p. 62. W. Heming. p. 583. M. Weſt. p. 387. Ypod. Neuſt. p. 469. H. Knyghton, p. 2450.

[u] M. Paris, p. 670. M. Weſt. p. 387.

[w] Chron. T. Wykes, p. 63.

[x] W. Heming, p. 584.

den

CHAP. XII.

1264.

den and violent blow from the prince, amused him by a feigned negociation, till he was able to recal his troops from the pursuit, and to bring them into order [y]. There now appeared no farther resource to the royal party; surrounded by the armies and garrisons of the enemy, destitute of forage and provisions, and deprived of their sovereign, as well as of their principal leaders, who could alone inspirit them to an obstinate resistance. The prince, therefore, was obliged to submit to Leicester's terms, which were short and severe, agreeably to the suddenness and necessity of the situation. He stipulated, that he and Henry d'Allmaine should surrender themselves prisoners as pledges in lieu of the two kings; that all other prisoners on both sides should be released [z]; and that in order to settle fully the terms of agreement, application should be made to the king of France, that he should name six Frenchmen, three prelates, and three noblemen: These six to chuse two others of their own country: And these two to chuse one Englishman, who, in conjunction with themselves, were to be invested by both parties with full powers to make what regulations they thought proper for the settlement of the kingdom. The prince and young Henry accordingly delivered themselves into Leicester's hands, who sent them under a guard to Dover castle. Such are the terms of agreement, commonly called the *Mise* of Lewes, from an obsolete French term of that meaning: For it appears, that all the gentry and nobility of England, who valued themselves on their Norman extraction, and who disdained the language of their native country, made familiar use of the French tongue, till this period, and for some time after.

LEICESTER had no sooner obtained this great advantage, and gotten the whole royal family in his power,

[y] W. Heming. p. 584. [z] M. Paris, p. 671. Knyghton, p. 2451.

than

than he openly violated every article of the treaty, and acted as ſole maſter, and even tyrant of the kingdom. He ſtill detained the king in effect a priſoner, and made uſe of that prince's authority to purpoſes the moſt prejudicial to his intereſts, and the moſt oppreſſive of his people [a]. He every where diſarmed the royaliſts, and kept all his own partizans in a military poſture [b]: He obſerved the ſame partial conduct in the deliverance of the captives, and even threw many of the royaliſts into priſon, beſides thoſe who were taken in the battle of Lewes: He carried the king from place to place, and obliged all the royal caſtles, on pretence of Henry's commands, to receive a governor and garriſon of his own appointment: All the officers of the crown and of the houſehold were named by him; and the whole authority, as well as arms of the ſtate, was lodged in his hands: He inſtituted in the counties a new kind of magiſtracy, endowed with new and arbitrary powers, that of conſervators of the peace [c]: His avarice appeared barefaced, and might induce us to queſtion the greatneſs of his ambition, at leaſt the largeneſs of his mind, if we had not reaſon to think, that he intended to employ his acquiſitions as the inſtruments for attaining farther power and grandeur. He ſeized the eſtates of no leſs than eighteen barons, as his ſhare of the ſpoil gained in the battle of Lewes: He engroſſed to himſelf the ranſom of all the priſoners; and told his barons, with a wanton inſolence, that it was ſufficient for them, that he had ſaved them by that victory from the forfeitures and attainders which hung over them [d]: He even treated the earl of Gloceſter in the ſame injurious manner, and applied to his own uſe the ranſom of the king of the Romans, who in the field of battle had yielded himſelf priſoner

CHAP. XII. 1264.

[a] Rymer, vol. i. p. 790, 791, &c. [b] Ibid. p. 795. Brady's appeals, No. 211, 212. Chron. T. Wykes, p. 63. [c] Rymer, vol. i. p. 792. [d] Knyghton, p. 2451.

CHAP. XII.

soner to that nobleman. Henry, his eldest son, made a monopoly of all the wool in the kingdom, the only valuable commodity for foreign markets which it at that time produced [e]. The inhabitants of the cinque-ports, during the present dissolution of government, betook themselves to the most licentious piracy, preyed on the ships of all nations, threw the mariners into the sea, and by these practices soon banished all merchants from the English coasts and harbours. Every foreign commodity rose to an exorbitant price; and woollen cloth, which the English had not then the art of dying, was worn by them white, and without receiving the last hand of the manufacturer. In answer to the complaints which arose on this occasion, Leicester replied, that the kingdom could well enough subsist within itself, and needed no intercourse with foreigners. And it was found, that he even combined with the pyrates of the cinque-ports, and received as his share the third of their prizes [f].

1264.

No farther mention was made of the reference to the king of France, so essential an article in the agreement of Lewes; and Leicester summoned a parliament, composed altogether of his own partizans, in order to rivet, by their authority, that power, which he had acquired by so much violence, and which he used with so much tyranny and injustice. An ordinance was there passed, to which the king's consent had been previously extorted, that every act of royal power should be exercised by a council of nine persons, who were to be chosen and removed by the majority of three, Leicester himself, the earl of Gloucester, and the bishop of Chichester [g]. By this intricate plan of government, the scepter was really put into Leicester's hands; as he had the entire direction of the bishop of Chichester, and thereby commanded all the resolutions

[e] Chron. T. Wykes, p. 65. [f] Ibid. [g] Rymer, vol. i. p. 793. Brady's App. N°. 213.

of

of the council of three, who could appoint or discard at pleasure every member of the supreme council. CHAP. XII. 1264.

But it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his ambition, unrestrained either by fear or by principle, gave too much reason to suspect him of the latter intention. Mean while, he was exposed to anxiety from every quarter; and felt that the smallest incident was capable of overturning that immense and ill-cemented fabric, which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpations and perjuries, and disgusted at the English barons, who had refused to submit to his award, secretly favoured all her enterprizes, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea-coast to oppose this projected invasion [h]; but Leicester owed his safety more to cross winds, which long detained and at last dispersed and ruined the queen's fleet, than to any resistance, which, in their present situation, could have been expected from the English.

Leicester found himself better able to resist the spiritual thunders, which were levelled against him. The pope, still adhering to the king's cause against the barons, dispatched cardinal Guido as his legate into England, with orders to excommunicate by name the three earls, Leicester, Gloucester, and Norfolk, and all others in general, who concurred in the oppression and captivity of

h Brady's App. N° 216, 217. Chron. Dunst. vol i. p. 373. M. West. p. 385.

CHAP. XII.

their ſovereign[1]. Leiceſter menaced the legate with death, if he ſet foot within the kingdom; but Guido, meeting in France the biſhops of Wincheſter, London, and Worceſter, who had been ſent thither on a negociation, commanded them, under the penalty of eccleſiaſtical cenſures, to carry his bull into England, and to publiſh it againſt the barons. When the prelates arrived off the coaſt, they were boarded by the pyratical mariners of the cinque-ports, to whom probably they gave a hint of the cargo, which they brought along with them: The bull was torn and thrown into the ſea; which furniſhed the artful prelates with a plauſible excuſe for not obeying the orders of the legate. Leiceſter appealed from Guido to the pope in perſon; but before the ambaſſadors, appointed to defend his cauſe, could reach Rome, the pope was dead; and they found the legate himſelf, from whom they had appealed, ſeated on the papal throne, by the name of Urban IV. That daring leader was no wiſe diſmayed with this incident; and as he found that a great part of his popularity in England was founded on his oppoſition to the court of Rome, which was now become odious, he perſiſted with the more obſtinacy in the proſecution of his meaſures.

1264.

1265. 20th Jan.

THAT he might both encreaſe, and turn to advantage his popularity, Leiceſter ſummoned a new parliament in London, where, he knew, his power was uncontrolable; and he fixed this aſſembly on a more democratical baſis, than any which had ever been ſummoned ſince the foundation of the monarchy. Beſides the barons of his own party, and ſeveral eccleſiaſtics, who were not immediate tenants of the crown; he ordered returns to be made of two knights from each ſhire, and what is more remarkable, of deputies from the boroughs, an order of men, which

House of commons.

[1] Rymer, vol. i. p. 798. Chron. Dunſt. vol. i. p. 373.

in

CHAP. XII.

1263.

in former ages had always been regarded as too mean to enjoy a place in the national councils [k]. This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs. In all the general accounts given in preceding times of those assemblies, the prelates and barons only are mentioned as the constituent members; and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas a Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary authors [l], there is not, throughout the whole, the least appearance of a house of commons. But though that house derived its existence from so precarious and even so invidious an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution; and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution, for which the general state of things had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal system, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both the king and the commonalty, who felt its inconveniencies, contributed to favour this new power, which was more submissive than the barons to the regular authority of the crown, and at the same time afforded protection to the inferior orders of the state.

[k] Rymer, vol. i. p. 802.

[l] Fitz-Stephen, Hist. Quadrip. Hoveden, &c.

CHAP. XII.

1265. LEICESTER, having thus assembled a parliament of his own model, and trusting to the attachment of the populace of London, seized the opportunity of crushing his rivals among the powerful barons. Robert de Ferrars, earl of Derby, was accused in the king's name, seized, and committed to custody, without being brought to any legal trial [m]. John Gifford, menaced with the same fate, fled from London, and took shelter in the borders of Wales. Even the earl of Gloucester, whose power and influence had so much contributed to the success of the barons, but who of late was extremely disgusted with Leicester's arbitrary conduct, found himself in danger from the prevailing authority of his ancient confederate; and he retired from parliament [n]. This known dissension gave courage to all Leicester's enemies and to the king's friends; who were now sure of protection from so potent a leader. Though Roger Mortimer, Hamon L'Estrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority still remained over the territories subjected to their jurisdiction; and there were many others who were disposed to give disturbance to the new government. The animosities, inseparable from the feudal aristocracy, broke out with fresh violence, and threatened the kingdom with new convulsions and disorders.

THE earl of Leicester, surrounded with these difficulties, embraced a measure, from which he hoped to reap some present advantages, but which proved in the end the source of all his future calamities. The active and intrepid prince Edward had languished in prison ever since the fatal battle of Lewes; and as he was extremely popular in the kingdom, there arose a general desire of seeing him again restored to liberty [o]. Leicester finding,

[m] Chron. T. Wykes, p. 66. Ann. Waverl. p. 216. [n] M. Paris, p. 671. Ann. Waverl. p. 211. [o] Knyghton, p. 2451.

that

that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that, in return, he should order his adherents to deliver up to the barons, all their castles, particularly those on the borders of Wales; and should swear neither to depart the kingdom during three years, nor introduce into it any foreign forces [p]. The king took an oath to the same effect, and he also passed a charter, in which he confirmed the agreement or *Mise* of Lewes; and even permitted his subjects to rise in arms against him, if he should ever attempt to infringe it [q]. So little care did Leicester take, though he constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives! 1265.

In consequence of this treaty, prince Edward was brought into Westminster-hall, and was declared free by the barons: But instead of really recovering his liberty, as he had vainly expected, he found, that the whole transaction was a fraud on the part of Leicester; that he himself still continued a prisoner at large, and was guarded by the emissaries of that nobleman; and that, while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he should enjoy no advantage by it. As Gloucester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales; Leicester followed him with an army to Hereford [r], continued still to menace and negotiate, and that he might add authority to his cause, he carried both the king and prince along with him. The earl of Gloucester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary swiftness; and appointed Roger Mortimer, who had returned 11th March.

[p] Ann. Waverl. p. 216. Dunst. vol. i. p. 378. p. 218. W. Heming. p. 585.

[q] Blackiston's Mag. Charta. Chron.

[r] Chron. T. Wykes, p. 67. Ann. Waverl. Chron. Dunst. vol. i. p. 383, 384.

CHAP. XII.

into the kingdom, to be ready at hand with a small party to receive the prince, and to guard him to a place of safety. Edward pretended to take the air with some of Leicester's retinue, who were his guards; and making matches between their horses, after he thought he had tired and blown them sufficiently, he suddenly mounted Gloucester's horse, and called to his attendants, that he had long enough enjoyed the pleasure of their company, and now bid them adieu. They followed him for some time, without being able to overtake him; and the appearance of Mortimer with his company put an end to their pursuit.

1265. 28th May.

The royalists, secretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppressions under which the nation laboured, the expectation of a new scene of affairs, and the countenance of the earl of Gloucester, procured Edward an army which Leicester was utterly unable to withstand. This nobleman found himself in a remote quarter of the kingdom; surrounded by his enemies; barred from all communication with his friends by the Severne, whose bridges Edward had broken down; and obliged to fight the cause of his party under these multiplied disadvantages. In this extremity he wrote to his son, Simon de Montfort, to hasten from London with an army for his relief; and Simon had advanced to Kenilworth with that view, where, fancying that all Edward's force and attention were directed against his father, he lay secure and unguarded. But the prince, making a sudden and forced march, surprized him in his camp, dispersed his army, and took the earl of Oxford, and many other noblemen prisoners, almost without resistance. Leicester, ignorant of his son's fate, passed the Severne in boats during Edward's absence, and lay at Evesham, in expectation of being every hour joined by his friends from London: When the prince, who availed himself of every

every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which leed to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himself, making a circuit with the reſt of his forces, purpoſed to attack the enemy on the other quarter. Leiceſter was long deceived by this ſtratagem, and took one diviſion of Edward's army for his friends; but at laſt, perceiving his miſtake, and obſerving the great ſuperiority and excellent diſpoſition of the royaliſts, he exclaimed, that they had learned from him the art of war; adding, "The Lord have mercy on our ſouls, for I ſee "our bodies are the prince's." The battle immediately began, though on very unequal terms. Leiceſter's army, by living in the mountains of Wales without bread, which was not then much uſed among the inhabitants, had been extremely weakened by ſickneſs and deſertion, and was ſoon broken by the victorious royaliſts; while his Welſh allies, accuſtomed only to a deſultory kind of war, immediately took to flight, and were purſued with great ſlaughter. Leiceſter himſelf, aſking for quarter, was ſlain in the heat of the action, with his eldeſt ſon Henry, Hugh le Deſpenſer, and about one hundred and ſixty nights, and many other gentlemen of his party. The old king had been purpoſely placed by the rebels in the front of the battle; and being clad in armour, and thereby not known by his friends, he received a wound, and was in danger of his life: But crying out, *I am Henry of Wincheſter, your king*, he was ſaved; and put in a place of ſafety by his ſon, who flew to his reſcue.

CHAP. XII.

1265. Battle of Eveſham, and death of Leiceſter. 4th Auguſt.

THE violence, ingratitude, tyranny, rapacity and treachery of the earl of Leiceſter, gave a very bad idea of his moral character, and make us regard his death as the moſt fortunate event, which, in this conjuncture, could have happened to the Engliſh nation: Yet muſt we

CHAP. XII. 1265.

allow the man to have poſſeſſed great abilities, and the appearance of great virtues, who, though a ſtranger, could, at a time when ſtrangers were the moſt odious, and the moſt univerſally decried, have acquired ſo extenſive an intereſt in the kingdom, and have ſo nearly paved his way to the throne itſelf. His military capacity, and his political craft, were equally eminent: He poſſeſſed the talents both of governing men and conducting buſineſs: And though his ambition was boundleſs, it ſeems neither to have exceeded his courage nor his genius; and he had the happineſs of making the low populace, as well as the haughty barons, co-operate towards the ſucceſs of his ſelfiſh and dangerous purpoſes. A prince of greater abilities and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: But the advantages given to Leiceſter, by the weak and variable adminiſtration of the king, brought on the ruin of royal authority, and produced great confuſions in the kingdom, which however in the end preſerved and extremely improved national liberty, and the conſtitution. His popularity, even after his death, continued ſo great, that, though he was excommunicated by Rome, the people believed him to be a ſaint; and many miracles were ſaid to be wrought upon his tomb [s].

Settlement of the government.

THE victory of Eveſham, with the death of Leiceſter, proved deciſive in favour of the royaliſts, and made an equal, though an oppoſite impreſſion on friends and enemies, in every part of England. The king of the Romans recovered his liberty: The other priſoners of the royal party were not only freed, but courted, by their keepers: Fitz-Richard, the ſeditious mayor of London, who had marked out forty of the moſt wealthy citizens for ſlaughter, immediately ſtopped his hand on receiving

[s] Chron. de Mailr. p. 232.

intelligence

intelligence of this great event: And almoſt all the caſtles, garriſoned by the barons, haſtened to make their ſubmiſſions, and to open their gates to the king. The iſle of Axholme alone, and that of Ely, truſting to the ſtrength of their ſituation, ventured to make reſiſtance; but were at laſt reduced, as well as the caſtle of Dover, by the valour and activity of prince Edward [t]. Adam de Gourdon, a courageous baron, maintained himſelf during ſome time in the foreſts of Hampſhire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country againſt him. Edward attacked the camp of the rebels; and being tranſported by the ardour of battle, leaped over the trench with a few followers, and encountered Gourdon in ſingle combat. The victory was long diſputed between theſe valiant combatants; but ended at laſt in the prince's favour, who wounded his antagoniſt, threw him from his horſe, and took him priſoner. He not only gave him his life; but introduced him that very night to the queen at Guilford, procured him his pardon, reſtored him to his eſtate, received him into favour, and was ever after faithfully ſerved by him [u]. CHAP. XII. 1265. 1266.

A TOTAL victory of the ſovereign over ſo extenſive a rebellion commonly produces a revolution of government, and ſtrengthens, as well as enlarges, for ſome time, the prerogatives of the crown: Yet no ſacrifices of national liberty were made on this occaſion; the Great Charter remained ſtill inviolate; and the king, ſenſible that his own barons, by whoſe aſſiſtance alone he had prevailed, were no leſs jealous of their independance than the other party, ſeems thenceforth to have more carefully abſtained from all thoſe exertions of power, which had afforded ſo plauſible a pretence to the rebels. The clemency of this victory is alſo remarkable: No blood was ſhed on the

[t] M. Paris, p. 676. W. Heming. p. 588. [u] M. Paris, p. 675.

ſcaffold:

CHAP. XII.

scaffold: No attainders, except of the Mountfort family, were carried into execution: And though a parliament, assembled at Winchester, attainted all those, who had borne arms against the king, easy compositions were made with them for their lands [w]; and the highest sum, levied on the most obnoxious offenders, exceeded not five years rent of their estate. Even the earl of Derby, who again rebelled, after having been pardoned and restored to his fortune, was obliged to pay only seven years' rent, and was a second time restored. The mild disposition of the king, and the prudence of the prince, tempered the insolence of victory, and gradually restored order to the several members of the state, disjointed by so long a continuance of civil wars and commotions.

1266.

THE city of London, which had carried farthest the rage and animosity against the king, and which seemed determined to stand upon its defence after almost all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges; and Fitz-Richard, the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment. The countess of Leicester, the king's sister, who had been extremely forward in all attacks on the royal family, was dismissed the kingdom with her two sons, Simon and Guy, who proved very ungrateful for this lenity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity [x].

1267.

THE merits of the earl of Gloucester, after he returned to his allegiance, had been so great, in restoring the

[w] M. Paris, p. 675. Chron. T. Wykes, p. 94.

[x] Rymer, vol. i. p. 879. vol. ii. p. 4, 5. W. Heming. p. 529. Trivet, p. 240.

prince

prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to levy an army of 30,000 men, in order to suppress them. Even this second rebellion did not provoke the king to any act of cruelty; and the earl of Gloucester himself escaped with total impunity. He was only obliged to enter into a bond of 20,000 marks, that he should never again be guilty of rebellion: A strange method of enforcing the laws, and a proof of the dangerous independance of the barons in those ages! These potent nobles were, from the danger of the precedent, averse to the execution of the laws of forfeiture and felony against any of their fellows; though they could not with a good grace refuse to concur in obliging them to fulfil any voluntary contract and engagement, into which they had entered. CHAP. XII. 1267.

THE prince finding the state of the kingdom tolerably composed, was seduced, by his avidity for glory, and by the prejudices of the age, as well as by the earnest solicitations of the king of France, to undertake an expedition against the infidels in the Holy Land[y]; and he endeavoured previously to settle the state in such a manner, as to dread no bad effects from his absence. As the formidable power and turbulent disposition of the earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow, which that nobleman had made to undertake the same voyage: In the mean time, he obliged him to resign some 1270.

y M. Paris, p. 677.

of

CHAP. XII.

of his castles, and to enter into a new bond not to disturb the peace of the kingdom [z]. He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprize. The great, if not only weakness of this prince in his government was the imprudent passion for crusades; but it was this zeal chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history; and if that appellation had not been so extremely prostituted, as to become rather a term of reproach, he seems, by his uniform probity and goodness, as well as his piety, to have fully merited the title. He was succeeded by his son, Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

1270.

1271. PRINCE Edward, not discouraged by this event, continued his voyage to the Holy Land, where he signalized himself by acts of valour: Revived the glory of the English name in those parts: And struck such terror into the Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt [a]. Meanwhile, his absence from England was attended with many of those pernicious consequences, which had been dreaded from it. The laws were not executed: The barons oppressed the common people with impunity [b]: They gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: The populace of London returned to their usual licentiousness: And the old king, unequal to the burthen of public affairs, called aloud for his gallant son to return [c], and to assist him in

[z] Chron. T. Wykes, p. 90. [a] M. Paris, p. 678, 679. W. Heming. p. 520. [b] Chron. Dunst. vol. i. p. 404. [c] Rymer, vol. i. p. 869. M. Paris, p. 678.

swaying

CHAP. XII.

ſwaying that ſcepter, which was ready to drop from his feeble and irreſolute hands. At laſt, overcome by the cares of government, and the infirmities of age, he viſibly declined, and he expired at St. Edmondſbury in the 64th year of his age, and 56th of his reign; the longeſt reign that is to be met with in the Engliſh annals. His brother, the king of the Romans (for he never attained the title of emperor) died about ſeven months before him.

1271.

1272. 16th Nov. Death

and character of the king.

THE moſt obvious circumſtance of Henry's character is his incapacity for government, which rendered him as much a priſoner in the hands of his own miniſters and favourites, and as little at his own diſpoſal, as when detained a captive in the hands of his enemies. From this ſource, rather than from inſincerity or treachery, aroſe his negligence in obſerving his promiſes; and he was too eaſily induced, for the ſake of preſent convenience, to ſacrifice the laſting advantages ariſing from the truſt and confidence of his people. Hence too were derived his profuſion to favourites, his attachment to ſtrangers, the variableneſs of his conduct, his haſty reſentments, and his ſudden forgiveneſs and return of affection. Inſtead of reducing the dangerous power of his nobles, by obliging them to obſerve the laws towards their inferiors, and ſetting them the ſalutary example in his own government; he was ſeduced to imitate their conduct, and to make his arbitrary will, or rather that of his miniſters, the rule of his actions. Inſtead of accommodating himſelf, by a ſtrict frugality, to the embarraſſed ſituation in which his revenue had been left, by the military expeditions of his uncle, the diſſipations of his father, and the uſurpations of the barons; he was tempted to levy money by irregular exactions, which, without enriching himſelf, impoveriſhed, at leaſt diſguſted his people. Of all men, nature ſeemed leaſt to have fitted him for being a tyrant; yet are there inſtances of oppreſ-

ſion

CHAP. XII.

1272. sion in his reign, which, though derived from the precedents, left him by his predeceſſors, had been carefully guarded againſt by the Great Charter, and are inconſiſtent with all rules of good government. And on the whole we may ſay, that greater abilities, with his good diſpoſitions, would have prevented him from falling into his faults; or with worſe diſpoſitions, would have enabled him to maintain and defend them.

THIS prince was noted for his piety and devotion, and his regular attendance on public worſhip; and a ſaying of his on that head is much celebrated by ancient writers. He was engaged in a diſpute with Lewis IX. of France, concerning the preference between ſermons and maſſes: He maintained the ſuperiority of the latter, and affirmed, that he would rather have one hour's converſation with a friend, than hear twenty the moſt elaborate diſcourſes, pronounced in his praiſe [e].

HENRY left two ſons, Edward his ſucceſſor, and Edmond earl of Lancaſter; and two daughters, Margaret queen of Scotland, and Beatrix dutcheſs of Britanny. He had five other children, who died in their infancy.

Miſcellaneous tranſactions of this reign.

THE following are the moſt remarkable laws enacted during this reign. There had been great diſputes between the civil and eccleſiaſtical courts concerning baſtardy. The common law had deemed all thoſe to be baſtards who were born before wedlock: By the canon law they were legitimate: And when any diſpute of inheritance aroſe, it had formerly been uſual for the civil courts to iſſue writs to the ſpiritual, directing them to enquire into the legitimacy of the perſon. The biſhop always returned an anſwer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reaſon, the civil courts had changed the terms of their writ; and inſtead of requiring the ſpiritual courts to make inquiſition

[e] Walſing. Edw. I. p. 43.

concerning

concerning the legitimacy of the person, they only proposed the simple question of fact, whether he were born before or after wedlock. The prelates complained of this practice to the parliament assembled at Merton in the twentieth of this king, and desired that the municipal law might be rendered conformable to the canon: But received from all the nobility the memorable reply, *Nolumus leges Angliæ mutare*, We will not change the laws of England [f]. CHAP. XII. 1272.

After the civil wars, the parliament summoned at Marlebridge, gave their approbation to most of the ordinances, which had been established by the reforming barons, and which, though advantageous to the security of the people, had not received the sanction of a legal authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords should be carried directly to the king's courts, without passing through the courts of the lords immediately superior [g]. It was ordained, that money should bear no interest during the minority of the debtor [h]. This law was reasonable, as the estates of minors were always in the hands of their lords, and the debtors could not pay interest where they had no revenue. The charter of king John had granted this indulgence: It was omitted in that of Henry III. for what reason is not known; but it was renewed by the statute of Marlebridge. Most of the other articles of this statute are calculated to restrain the oppressions of sheriffs, and the violence and iniquities committed in distraining cattle and other goods. Cattle and the instruments of husbandry formed at that time the chief riches of the people.

In the 35th year of this king an assize was fixed of bread, the price of which was settled, according to the

[f] Statute of Merton, chap. 9.
[g] Statute of Marlb. chap. 20.
[h] Ibid. chap. 16.

different

CHAP. XII.

different prices of corn, from one ſhilling a quarter to ſeven ſhillings and ſixpence [i], money of that age. Theſe great variations are alone a proof of bad tillage [k]: Yet did the prices often riſe much higher, than any taken notice of by the ſtatute. The chronicle of Dunſtable tells us, that in this reign, wheat was once ſold for a mark, nay for a pound a quarter; that is, three pounds of our preſent money [l]. The ſame law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the ſame commodity bore at the ſame time. A brewer, ſays the ſtatute, may ſell two gallons of ale for a penny in cities, and three or four gallons for the ſame price in the country. At preſent, ſuch commodities, by the great conſumption of the people, and the great ſtocks of the brewers, are rather cheapeſt in cities. The Chronicle above-mentioned obſerves, that wheat one year was ſold in many places for eight ſhillings a quarter, but never roſe in Dunſtable above a crown.

1272.

THOUGH commerce was ſtill very low, it ſeems rather to have encreaſed ſince the Conqueſt; at leaſt, if we may judge of the increaſe of money by the price of corn. The medium between the higheſt and loweſt prices of wheat, aſſigned by the ſtatute, is four ſhillings and three pence a quarter, that is, twelve ſhillings and nine pence of our preſent money. This is near half of the middling price in our time. Yet the middling price of cattle, ſo late as the reign of king Richard, we found to be above eight, near ten times lower than the preſent. Is not this the true inference, from comparing theſe facts, that, in all

[i] Statutes at large, p. 6.

[k] We learn from Cicero's orations againſt Verres, lib. iii. cap. 84. 92. that the price of corn in Sicily was, during the praetorſhip of Sacerdos, five Denarii a Modius; during that of Verres, which immediately ſucceeded, only two Seſterces: That is, ten times lower; a preſumption, or rather a proof, of the very bad ſtate of tillage in ancient times.

[l] So alſo Knyghton, p. 2444.

uncivilized

uncivilized nations, cattle, which propagate of themſelves, bear always a lower price than corn, which requires more art and ſtock to render it plentiful, than thoſe nations are poſſeſſed of? It is to be remarked, that Henry's aſſize of corn was copied from a preceding aſſize eſtabliſhed by king John; conſequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an eſtimation of the middling prices for a ſeries of years. It is true, the prices, aſſigned by the aſſize of Richard, were meant as a ſtandard for the accompts of ſheriffs and eſcheators; and as conſiderable profits were allowed to theſe miniſters, we may naturally ſuppoſe, that the common value of cattle was ſomewhat higher: Yet ſtill, ſo great a difference between the prices of corn and cattle as that of four to one, compared to the preſent rates, affords important reflections concerning the very different ſtate of induſtry and tillage in the two periods. CHAP. XII. 1272.

INTEREST had in that age mounted to an enormous height, as might be expected from the barbariſm of the times and men's ignorance of commerce. Inſtances occur of fifty per cent. payed for money [m]. There is an edict of Philip Auguſtus near this period, limiting the Jews in France to 48 per cent. [n] Such profits tempted the Jews to remain in the kingdom, notwithſtanding the grievous oppreſſions, to which, from the prevalent bigotry and rapine of the age, they were continually expoſed. It is eaſy to imagine how precarious their ſtate muſt have been under an indigent prince, ſomewhat reſtrained in his tyranny over his native ſubjects, but who poſſeſſed an unlimited authority over the Jews, the ſole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their uſury: Yet will our ideas ſcarcely come up to the extortions which in fact we find

[m] M. Paris, p. 586. [n] Bruſſel Traité des Fiefs, vol. i. p. 576.

CHAP. XII.

to have been practiſed upon them. In the year 1241, 20,000 marks were exacted from them [o]: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks [p]: In 1250, Henry renewed his oppreſſions; and the ſame Aaron was condemned to pay him 30,000 marks upon an accuſation of forgery [q]: The high penalty impoſed upon him, and which, it ſeems, he was thought able to pay, is rather a preſumption of his innocence than of his guilt. In 1255, the king demanded 8000 marks from the Jews, and threatened to hang them, if they refuſed compliance. They now loſt all patience, and deſired leave to retire with their effects out of the kingdom. But the king replied: "How can I remedy the oppreſſions you complain "of? I am myſelf a beggar. I am ſpoiled, I am ſtrip-"ped of all my revenues: I owe above 200,000 marks; "and if I had ſaid 300,000, I ſhould not exceed the "truth: I am obliged to pay my ſon, prince Edward, "15,000 marks a year: I have not a farthing; and I "muſt have money, from any hand, from any quarter, "or by any means." He then delivered over the Jews to the earl of Cornwal, that thoſe whom the one brother had ſlead, the other might embowel, to make uſe of the words of the hiſtorian [r]. King John, his father, once demanded 1,0000 marks from a Jew of Briſtol; and on his refuſal, ordered one of his teeth to be drawn every day till he ſhould comply. The Jew loſt ſeven teeth; and then paid the ſum required of him [s]. One talliage laid upon the Jews in 1243 amounted to 60,000 marks [t]: a ſum equal to the whole yearly revenue of the crown.

1272.

To give a better pretence for extortions, the improbable and abſurd accuſation, which has been at different times advanced againſt that nation, was revived in England,

[o] M. Paris, p. 372. [p] Ibid. p. 410. [q] Ibid. p. 525.
[r] Ibid. p. 606. [s] Ibid. p. 160. [t] Madox, p. 152.

that

that they had crucified a child in deriſion of the ſufferings of Chriſt. Eighteen of them were hanged at once for this crime [u]: Though it is no wiſe credible, that even the antipathy born them by the Chriſtians, and the oppreſſions under which they laboured, would ever have puſhed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race, expoſed to ſuch inſults and indignities both from king and people, and who had ſo uncertain an enjoyment of their riches, would carry uſury to the utmoſt extremity, and by their great profits make themſelves ſome compenſation for their continual perils. 1272.

THOUGH theſe acts of violence againſt the Jews proceeded much from bigotry, they were ſtill more derived from avidity and rapine. So far from deſiring in that age to convert them, it was enacted by law in France, that, if any Jew embraced Chriſtianity, he forfeited all his goods, without exception, to the king or his ſuperior lord. Theſe plunderers were careful, leſt the profits, accruing from their dominion over that unhappy race, ſhould be diminiſhed by their converſion [w].

COMMERCE muſt be in a wretched condition, where intereſt was ſo high, and where the ſole proprietors of money employed it in uſury only, and were expoſed to ſuch extortion and injuſtice. But the bad police of the country was another obſtacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunſtable ſays [x], that men were never ſecure in their houſes, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom. In 1249, ſome years before the inſurrection of the barons, two merchants of Brabant came to the king at Wincheſter,

[u] M. Paris, p. 613. [w] Bruſſel, vol. i. p. 622. Du Cange verbo *Judæi*. [x] Vol. i. p. 155.

CHAP. XII.

1272. and told him, that they had been ſpoiled of all their goods by certain robbers, whom they knew, becauſe they ſaw their faces every day in his court; that like practices prevailed all over England, and travellers were continually expoſed to the danger of being robbed, bound, wounded, and murdered; that theſe crimes eſcaped with impunity, becauſe the miniſters of juſtice themſelves were in a confederacy with the robbers; and that they, for their part, inſtead of bringing matters to a fruitleſs trial by law, were willing, though merchants, to decide their cauſe with the robbers by arms and a duel. The king, provoked at theſe abuſes, ordered a jury to be incloſed, and to try the robbers: The jury, though conſiſting of twelve men of property in Hampſhire, were found to be alſo in a confederacy with the felons, and acquitted them. Henry in a rage committed the jury to priſon, threatened them with ſevere puniſhment, and ordered a new jury to be incloſed, who, dreading the fate of their fellows, at laſt found a verdict againſt the criminals. Many of the king's own houſehold were diſcovered to have participated in the guilt; and they ſaid for their excuſe, that they received no wages from him, and were obliged to rob for a maintenance [y]. *Knights and eſquires*, ſays the Dictum of Kenelworth, *who were robbers, if they have no land, ſhall pay the half of their goods, and find ſufficient ſecurity to keep henceforth the peace of the kingdom.* Such were the manners of the times!

One can the leſs repine, during the prevalence of ſuch manners, at the frauds and forgeries of the clergy; as it gives leſs diſturbance to ſociety, to take men's money from them with their own conſent, though by deceits and lies, than to raviſh it by open force and violence. During this reign, the papal power was at its ſummit, and was

[y] M. Paris, p. 509.

even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity, in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke [z]; and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon the Christian world. For this purpose, Gregory IX. published his decretals [a], which are a collection of forgeries, favourable to the court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities; matters more stubborn than any speculative truths whatsoever; that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century, they passed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the priests for framing these impostures, served also, in some degree, to protect the laity against them.

CHAP. XII. 1272.

ANOTHER expedient, devised by the church of Rome, in this period, for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with all the zeal and success that attend novelties; were better qualified to gain the populace than the old orders, now become rich and in-

[z] M. Paris, p. 421. [a] Trivet, p. 191.

CHAP. XII.

1272.

dolent; maintained a perpetual rivalship with each other in promoting their gainful superstitions; and acquired a great dominion over the minds, and consequently over the purses of men, by pretending a desire of poverty and a contempt for riches. The quarrels which arose between these orders, lying still under the controul of the sovereign pontiff, never disturbed the peace of the church, and served only as a spur to their industry in promoting the common cause; and though the Dominicans lost some popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this disadvantage by acquiring more solid establishments, by gaining the confidence of kings and princes, and by exercising the jurisdiction assigned them, of ultimate judges and punishers of heresy. Thus, the several orders of monks became a kind of regular troops or garrisons of the Romish church; and though the temporal interests of society, still more the cause of true piety, were hurt, by their various devices to captivate the populace, they proved the chief supports of that mighty fabric of superstition, and, till the revival of true learning, secured it from any dangerous invasion.

THE trial by ordeal was abolished in this reign by order of council: A faint mark of improvement in the age [b].

HENRY granted a charter to the town of Newcastle, in which he gave the inhabitants a licence to dig coal. This is the first mention of coal in England.

WE learn from Madox [c], that this king gave at one time 100 shillings to master Henry, his poet: Also the same year he orders this poet ten pounds.

[b] Rymer, vol. i. p. 228. Spelman, p. 326.
[c] Page 268.

IT

CHAP. XII.

1272.

It appears from Selden, that in the 47th of this reign a hundred and fifty temporal, and fifty ſpiritual barons were ſummoned to perform the ſervice, due by their tenures [d]. In the 35th of the ſubſequent reign eighty-ſix temporal barons, twenty biſhops, and forty-eight abbots, were ſummoned to a parliament convened at Carliſle [e].

[d] Titles of honour, part 2. chap. 3. vol. i. p. 151.

[e] Parliamentary Hiſt.

CHAP. XIII.

EDWARD I.

Civil adminiſtration of the king——Conqueſt of Wales——Affairs of Scotland——Competitors for the crown of Scotland——Reference to Edward——Homage of Scotland——Award of Edward in favour of Baliol——War with France——Digreſſion concerning the conſtitution of parliament——War with Scotland——Scotland ſubdued——War with France——Diſſenſions with the clergy——Arbitrary meaſures——Peace with France——Revolt of Scotland——That kingdom again ſubdued——again revolts——is again ſubdued——Robert Bruce——Third revolt of Scotland——Death and character of the king——Miſcellaneous tranſactions of this reign.

CHAP. XIII.

1272. THE Engliſh were as yet ſo little enured to obedience under a regular government, that the death of almoſt every king, ſince the conqueſt, had been attended with diſorders; and the council, reflecting on the recent civil wars, and on the animoſities which naturally remain after theſe great convulſions, had reaſon to apprehend dangerous conſequences from the abſence of the ſon and ſucceſſor of Henry. They therefore haſtened to proclaim prince Edward, to ſwear allegiance to him, and to ſummon the ſtates of the kingdom, in order to provide for the public peace in this important conjuncture[f]. Walter

[f] Rymer, vol. ii. p. 1. Walſing. p. 43. Trivet, p. 239.

Giffard,

Giffard, archbiſhop of York, the earl of Cornwal, ſon of Richard, king of the Romans, and the earl of Gloceſter, were appointed guardians of the realm, and proceeded peaceably to the exerciſe of their authority, without either meeting with oppoſition from any of the people, or being diſturbed with emulation and faction among themſelves. The high character acquired by Edward during the late commotions, his military genius, his ſucceſs in ſubduing the rebels, his moderation in ſettling the kingdom, had procured him great eſteem, mixed with affection, among all orders of men; and no one could reaſonably entertain hopes of making any advantage of his abſence, or of raiſing diſturbance in the nation. The earl of Gloceſter himſelf, whoſe great power and turbulent ſpirit had excited moſt jealouſy, was forward to give proofs of his allegiance; and the other malcontents, being deſtitute of a leader, were obliged to remain in ſubmiſſion to the government. CHAP. XIII. 1272.

PRINCE Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father; and he diſcovered a deep concern on the occaſion. At the ſame time he learned the death of an infant ſon, John, whom his princeſs, Eleanor of Caſtile, had born him at Acre in Paleſtine, and as he appeared much leſs affected with that misfortune, the king of Sicily expreſſed a ſurprize at this difference of ſentiment: But was told by Edward, that the death of a ſon was a loſs which he might hope to repair; the death of a father was a loſs irreparable [g].

EDWARD proceeded homeward; but as he ſoon learned the quiet ſettlement of the kingdom, he was in no hurry to take poſſeſſion of the throne, but ſpent near a year in France, before he made his appearance in England. In his paſſage by Chalons in Burgundy, he was challenged

g Walſing. p. 44. Trivet, p. 240.

by

CHAP. XIII.

by the prince of the country to a tournament which he was preparing; and as Edward excelled in those martial
1273. and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honour in that great assembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in the quarrel [h]. This rencounter received the name of the petty battle of Chalons.

EDWARD went from Chalons to Paris, and did homage to Philip for the dominions which he held in France [i].
1274. He thence returned to Guienne, and settled that province, which was in some confusion. He made his journey to London through France; in his passage he accommodated at Montreuil a difference with Margaret, countess of Flanders, heiress of that territory [k]; he was received
19th Aug. with joyful acclamations by his people, and was solemnly crowned at Westminster by Robert, archbishop of Canterbury.

Civil administration of the king.

THE king immediately applied himself to the re-establishment of his kingdom, and to the correcting of those disorders, which the civil commotions and the loose administration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He considered the great barons both as the immediate rivals of the crown, and oppressors of the people; and he purposed, by an exact distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which their

[h] Walsing. p. 44. Trivet, p. 241. M. West. p. 402.
[i] Walsing. p. 45. [k] Rymer, vol. ii. p. 32, 33.

dangerous

dangerous authority was chiefly founded. Making it a rule in his own conduct to obſerve, except on extraordinary occaſions, the privileges ſecured to them by the Great Charter, he acquired a right to inſiſt upon their obſervance of the ſame charter towards their vaſſals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the fountain of juſtice, and the general aſylum againſt oppreſſion. Beſides enacting ſeveral uſeful ſtatutes, in a parliament which he ſummoned at Weſtminſter, he took care to inſpect the conduct of all his magiſtrates and judges, to diſplace ſuch as were either negligent or corrupt, to provide them with ſufficient force for the execution of juſtice, to extirpate all bands and confederacies of robbers, and to repreſs thoſe more ſilent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid adminiſtration, the face of the kingdom was ſoon changed; and order and juſtice took place of violence and oppreſſion: But amidſt the excellent inſtitutions and public-ſpirited plans of Edward, there ſtill appears ſomewhat both of the ſeverity of his perſonal character and of the prejudices of the times. CHAP. XIII. 1274. 1275. 16th Feb.

As the various kinds of malefactors, the murderers, robbers, incendiaries, raviſhers, and plunderers, had become ſo numerous and powerful, that the ordinary miniſters of juſtice, eſpecially in the weſtern counties, were afraid to execute the laws againſt them, the king found it neceſſary to provide an extraordinary remedy for the evil; and he erected a new tribunal, which, however uſeful, would have been deemed, in times of more regular liberty, a great ſtretch of illegal and arbitrary power. It conſiſted of commiſſioners, who were empowered to enquire into diſorders and crimes of all kinds, and to inflict the proper puniſhments upon them. The officers, charged

CHAP. XIII.

1275. with this unuſual commiſſion, made their circuits throughout the counties of England moſt infeſted with this evil, and carried terror into all thoſe parts of the kingdom. In their zeal to puniſh crimes, they did not ſufficiently diſtinguiſh between the innocent and guilty; the ſmalleſt ſuſpicion became a ground of accuſation and trial; the ſlighteſt evidence was received againſt criminals; priſons were crowded with malefactors, real or pretended; ſevere fines were levied for ſmall offences; and the king, though his exhauſted exchequer was ſupplied by this expedient, found it neceſſary to ſtop the courſe of ſo great rigour, and after terrifying and diſſipating by this tribunal the gangs of diſorderly people in England, he prudently annulled the commiſſion [l]; and never afterwards renewed it.

AMONG the various diſorders, to which the kingdom was ſubject, no one was more univerſally complained of than the adulteration of the coin; and as this crime required more art than the Engliſh of that age, who chiefly employed force and violence in their iniquities, were poſſeſſed of, the imputation fell upon the Jews [m]. Edward alſo ſeems to have indulged a ſtrong prepoſſeſſion againſt that nation; and this ill-judged zeal for Chriſtianity being naturally augmented by an expedition to the Holy Land, he let looſe the whole rigour of his juſtice againſt that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, beſides thoſe who ſuffered in other parts of the kingdom [n]. The houſes and lands, (for the Jews had of late ventured to make purchaſes of that kind) as well as the goods of great multitudes, were ſold and confiſcated: And the

[l] Spellman's Gloſſ. in verbo *Trailbaſton*. But Spellman was either miſtaken in placing this commiſſion in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 338. M. Weſt. p. 470. [m] Walſing. p. 48. Heming. vol. i. p. 6.

[n] T. Wykes, p. 107.

king,

king, lest it should be suspected that the riches of the sufferers were the chief part of their guilt, ordered a moiety of the money, raised by these confiscations, to be set apart, and bestowed upon such as were willing to be converted to Christianity. But resentment was more prevalent with them, than any temptation from their poverty; and very few of them could be induced by interest to embrace the religion of their persecutors. The miseries of this people did not here terminate. Though the arbitrary talliages and exactions, levied upon them, had yielded a constant and a considerable revenue to the crown; Edward, prompted by his zeal and his rapacity, resolved some time after [o] to purge the kingdom entirely of that hated race, and to seize to himself at once their whole property as the reward of his labour [p]. He left them only money sufficient to bear their charges into foreign countries, where new persecutions and extortions awaited them: But the inhabitants of the cinque-ports, imitating the bigotry and avidity of their sovereign, despoiled most of them of this small pittance, and even threw many of them into the sea: A crime, for which the king, who was determined to be the sole plunderer in his dominions, inflicted a capital punishment upon them. No less than fifteen thousand Jews were at this time robbed of their effects and banished the kingdom: Very few of that nation have since lived in England: And as it is impossible for a nation to subsist without lenders of money, and none will lend without a compensation, the practice of usury, as it was then called, was thenceforth exercised by the English themselves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be questioned, whether the dealings of these new usurers were equally open and unexceptionable with those of the

CHAP. XIII. 1275.

[o] In the year 1290. Trivet, p. 266.

[p] Walsing. p. 54. Heming. vol. i. p. 20.

old,

CHAP. XIII.

old. By a law of Richard, it was enacted, that three copies ſhould be made of every bond given to a Jew; one to be put into the hands of a public magiſtrate, another into thoſe of a man of credit, and a third to remain with the Jew himſelf [q]. But as the canon law, ſeconded by the municipal, permitted no Chriſtian to take intereſt, all tranſactions of this kind muſt, after the baniſhment of the Jews, have become more ſecret and clandeſtine, and the lender, of conſequence, be paid both for the uſe of his money, and for the infamy and danger which he incurred by lending it.

1275.

THE great poverty of the crown, though no excuſe, was probably the cauſe of this egregious tyranny exerciſed againſt the Jews; but Edward alſo practiſed other more honourable means of remedying that evil. He employed a ſtrict frugality in the management and diſtribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables; the pope to grant him the tenth of all eccleſiaſtical revenues for three years; and the merchants to conſent to a perpetual impoſition of half a mark on every ſack of wool exported, and a mark on three hundred ſkins. He alſo iſſued commiſſions to enquire into all encroachments on the royal demeſne; into the value of eſcheats, forfeitures, and wardſhips; and into the means of repairing or improving every branch of the revenue [r]. The commiſſioners, in the execution of their office, began to carry matters too far againſt the nobility, and to queſtion titles to eſtates which had been tranſmitted from father to ſon for ſeveral generations. Earl Warrenne, who had done ſuch eminent ſervice in the late reign, being required to ſhow his titles, drew his ſword; and ſubjoined, that William, the Baſtard, had not conquered the kingdom for himſelf alone: His anceſtor was a joint adventurer in the enterprize; and he himſelf was

[q] Trivet, p. 128. [r] Ann. Waverl. p. 235.

determined

determined to maintain what had from that period remained unqueſtioned in his family. The king, ſenſible of the danger, deſiſted from making farther enquiries of this nature. CHAP. XIII. 1275.

BUT the active ſpirit of Edward could not long remain without employment. He ſoon after undertook an enterprize more prudent for himſelf, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conſpiracies againſt the crown; had frequently fought on their ſide; and till the battle of Eveſham, ſo fatal to that party, had employed every expedient to depreſs the royal cauſe, and to promote the ſucceſs of the barons. In the general accommodation, made with the vanquiſhed, Lewellyn had alſo obtained his pardon; but as he was the moſt powerful, and therefore the moſt obnoxious vaſſal of the crown, he had reaſon to entertain anxiety about his ſituation, and to dread the future effects of reſentment and jealouſy in the Engliſh monarch. For this reaſon, he determined to provide for his ſecurity by maintaining a ſecret correſpondence with his former aſſociates; and he even made his addreſſes to a daughter of the earl of Leiceſter, who was ſent to him from beyond ſea, but being intercepted in her paſſage near the iſles of Scilly, was detained in the court of England[s]. This incident encreaſing the mutual jealouſy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, ſcrupled to put himſelf in the hands of an enemy, deſired a ſafe-conduct from Edward, inſiſted upon having the king's ſon and other noblemen delivered to him as hoſtages, and demanded, that his conſort ſhould previouſly be ſet at 1276. Conqueſt of Wales.

[s] Walſing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248.

liberty.

CHAP. XIII.

liberty [t]. The king, having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of

1276. exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe-conduct; ſent him repeated ſummons to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain aſſurance of

1277. ſucceſs againſt the enemy. Beſides the great diſproportion of force between the kingdom and the principality, the circumſtances of the two ſtates were entirely reverſed; and the ſame inteſtine diſſentions, which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward, and they ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no reſource but in the inacceſſible ſituation of his mountains, which had hitherto, through many ages, defended his forefathers againſt all attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolute to defend himſelf to the laſt extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation, proud of its ancient independance, and enflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow, but ſure effects of famine, for reducing that people to ſubjection. The rude and ſimple manners of the natives,

[t] Rymer, vol. ii. p. 68. Walſing. p. 46. Trivet, p. 247.

as

as well as the mountainous ſituation of their country, had made them entirely neglect tillage, and truſt to paſturage alone for their ſubſiſtence: A method of life which had hitherto ſecured them againſt the irregular attempts of the Engliſh, but expoſed them to certain ruin, when the conqueſt of the country was ſteddily purſued, and prudently planned by Edward. Deſtitute of magazines, cooped up in a narrow corner, they, as well as their cattle, ſuffered all the rigors of famine; and Lewellyn, without being able to ſtrike a ſtroke for his independance, was at laſt obliged to ſubmit at diſcretion, and receive the terms impoſed upon him by the victor [u]. He bound himſelf to pay to Edmond 50,000 pounds, as a reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to ſwear fealty to the ſame crown; to relinquiſh the country between Cheſhire and the river Conway; to ſettle on his brother Roderic a thouſand marks a year, and on David five hundred; and to deliver ten hoſtages as ſecurity for his future ſubmiſſion [w]. CHAP. XIII. 1277. 19th Nov.

EDWARD, on the performance of the other articles, remitted to the prince of Wales the payment of the 50,000 pounds [x], which were ſtipulated by treaty, and which, it is probable the poverty of the country made it abſolutely impoſſible for him to levy. But notwithſtanding this indulgence, complaints of iniquities ſoon aroſe on the ſide of the vanquiſhed: The Engliſh, inſolent on their eaſy and bloodleſs victory, oppreſſed the inhabitants of the diſtricts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welſh neighbours: New and more ſevere terms were impoſed on Lewellyn himſelf; and Edward, when the prince attended him at Worceſter, exacted a promiſe that he would retain

u T. Wykes, p. 105. Trivet, p. 251. T. Wykes, p. 106. w Rymer, vol. ii. p. 88. Walſing. p. 47. x Rymer, p. 92.

CHAP. XIII.

1277. no person in his principality who should be obnoxious to the English monarch [y]. There were other personal insults, which raised the indignation of the Welsh, and made them determine rather to encounter a force, which they had already experienced to be so much superior, than to bear oppression from the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh flew to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, assembled all his military tenants, and advanced into Wales with an army, which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau with a detachment [z]: But Lewellyn, being surprized by Mortimer, was defeated and slain in an action, and 2000 of his followers were put to the sword [a]. David, who succeeded him in the principality, could never collect an army sufficient to face the English; and being chaced from hill to hill, and hunted from one retreat to another, was obliged to conceal himself under various disguises, and was at last betrayed in his lurking-place to the enemy. Edward sent him in chains to Shrewsbury; and bringing him to a formal trial before all the peers of England, ordered this sovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority [b]. All the Welsh nobility submitted to the conqueror; the laws of England, with the sheriffs and other ministers of justice, were

y Dr. Powell's Hist. of Wales, p. 344, 345. z Walsing. p. 50. Heming. vol. i. p. 9. Trivet, p. 258. T. Wykes, p. 110.

a Heming. vol. i. p. 11. Trivet, p. 257. Ann. Waverl. p. 235.

b Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waverl. p. 238. T. Wykes, p. 111. M. West. p. 411.

established

2

CHAP. XIII.

eſtabliſhed in that principality; and though it was long before national antipathies were extinguiſhed, and a thorough union attained between the people, yet this important conqueſt, which it had required eight hundred years fully to effect, was at laſt, through the abilities of Edward, completed by the Engliſh. 1283.

THE king, ſenſible that nothing kept alive the ideas of military valour and of ancient glory, ſo much as the traditional poetry of the people, which, aſſiſted by the power of muſic, and the jollity of feſtivals, made deep impreſſion on the minds of the youth, gathered together all the Welſh bards, and from a barbarous, though not abſurd policy, ordered them to be put to death [c]. 1284.

THERE prevails a vulgar ſtory, which, as it well ſuits the capacity of the monkiſh writers, is carefully recorded by them: That Edward, aſſembling the Welſh, promiſed to give them a prince of unexceptionable manners, a Welſhman by birth, and one who could ſpeak no other language. On their acclamations of joy, and promiſe of obedience, he inveſted in the principality his ſecond ſon Edward, then an infant, who had been born at Carnarvon. The death of his eldeſt ſon Alfonſo, ſoon after, made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldeſt ſon of the kings of England.

THE ſettlement of Wales appeared ſo complete to Edward, that, in leſs than two years after, he went abroad, in order to make peace between Alphonſo, king of Arragon, and Philip the Fair, who had lately ſucceeded his father Philip the Hardy on the throne of France [d]. The difference between theſe two princes had ariſen about the 1286.

[c] Sir J. Wynne, p. 15.

[d] Rymer, vol. ii. p. 149, 150. 174.

CHAP. XIII.

kingdom of Sicily, which the pope, after his hopes from England failed him, had beſtowed on Charles, brother to

1286. St. Lewis, and which was claimed upon other titles, by Peter king of Arragon, father to Alphonſo. Edward had powers from both princes to ſettle the terms of peace, and he ſucceeded in his endeavours; but as the controverſy nowiſe regards England, we ſhall not enter into a detail of it. He ſtayed abroad above three years; and on his return, found many diſorders to have prevailed, both from open violence, and from the corruption of juſtice.

THOMAS CHAMBERLAIN, a gentleman of ſome note, had aſſembled ſeveral of his aſſociates at Boſton, in Lincolnſhire, under pretence of holding a tournament, an exerciſe practiſed by the gentry only; but in reality with a view of plundering the rich fair of Boſton, and robbing the merchants. To facilitate his purpoſe, he privately ſet fire to the town; and while the inhabitants were employed in quenching the flames, the conſpirators broke into the booths, and carried off the goods. Chamberlain himſelf was detected and hanged; but maintained ſo ſteddily the point of honour to his accomplices, that he could not be prevailed on, by offers or promiſes, to diſcover any of them. Many other inſtances of robbery and violence broke out in all parts of England; though the ſingular circumſtances attending this conſpiracy have made it alone be particularly recorded by hiſtorians [e].

1289. BUT the corruption of the judges, by which the fountains of juſtice were poiſoned, ſeemed of ſtill more dangerous conſequence. Edward, in order to remedy this prevailing abuſe, ſummoned a parliament, and brought the judges to a trial; where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and depoſed. The amount of the

[e] Heming. vol. i. p. 16, 17.

fines,

fines, levied upon them, is alone a sufficient proof of their guilt; being above one hundred thousand marks, an immense sum in those days, and sufficient to defray the charges of an expensive war between two great kingdoms. The king afterwards made all the new judges swear, that they would take no bribes; but his expedient, of deposing and fining the old ones, was the more effectual remedy. CHAP. XIII. 1289.

We now come to give an account of the state of affairs in Scotland, which gave rise to the most interesting transactions of this reign, and of some of the subsequent; though the intercourse of that kingdom with England, either in peace or war, had hitherto produced so few events of moment, that, to avoid tediousness, we have omitted many of them, and have been very concise in relating the rest. If the Scots had, before this period, any real history, worthy of the name, except what they glean from scattered passages in the English historians, those events, however minute, yet, being the only foreign transactions of the nation, might deserve a place in it.

Affairs of Scotland.

Though the government of Scotland had been continually exposed to those factions and convulsions, which are incident to all barbarous, and to many civilized nations; and though the successions of their kings, the only part of their history which deserves any credit, had often been disordered by irregularities and usurpations; the true heir of the royal family had still in the end prevailed, and Alexander III. who had espoused the sister of Edward, probably inherited, after a period of about eight hundred years, and through a succession of males, the sceptre of all the Scottish princes, who had governed the nation, since its first establishment in the island. This prince died in 1286 by a fall from his horse at Kinghorn [f], without leaving any male issue, and without any descend-

[f] Heming. vol. i. p. 29. Trivet, p. 267.

CHAP. XIII.

ant, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottish monarch.

1289. This princess, commonly called the maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognized successor by the states of Scotland [g]; and on Alexander's death, the dispositions, which had been previously made against that event, appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward, her great uncle, and Eric, her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally led to build mighty projects on this incident; and having lately, by force of arms, brought Wales under subjection, he attempted, by the marriage of Margaret with his eldest son Edward, to unite the whole island into one monarchy, and thereby to give it security both against domestic con-

1290. vulsions and foreign invasions. The amity, which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, so favourable to the happiness and grandeur of both kingdoms; and the states of Scotland readily gave their assent to the English proposals, and even agreed, that their young sovereign should be educated in the court of Edward. Anxious, however, for the liberty and independancy of their country, they took care to stipulate very equitable conditions, ere they

[g] Rymer, vol. ii. p. 266.

entrusted

entruſted themſelves into the hands of ſo great and ſo ambitious a monarch. It was agreed, that they ſhould enjoy all their ancient laws, liberties, and cuſtoms; that in caſe young Edward and Margaret ſhould die without iſſue, the crown of Scotland ſhould revert to the next heir, and ſhould be inherited by him free and independant; that the military tenants of the crown ſhould never be obliged to go out of Scotland, in order to do homage to the ſovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections; that the parliaments, ſummoned for Scottiſh affairs, ſhould always be held within the bounds of that kingdom; and that Edward ſhould bind himſelf, under the penalty of 100,000 marks, payable to the pope for the uſe of the holy wars, to obſerve all theſe articles [h]. It is not eaſy to conceive, that two nations could have treated more on a foot of equality than Scotland and England maintained during the whole courſe of this tranſaction: And though Edward gave his aſſent to the article, concerning the future independancy of the Scottiſh crown, with a *ſaving of his former rights*; this reſerve gave no alarm to the nobility of Scotland, both becauſe theſe rights, having hitherto been little heard of, had occaſioned no diſturbance, and becauſe the Scots had ſo near a proſpect of ſeeing them entirely abſorbed in the rights of their ſovereignty. CHAP. XIII. 1290.

BUT this project, ſo happily formed and ſo amicably conducted, failed of ſucceſs, by the ſudden death of the Norvegian princeſs, who expired on her paſſage to Scotland [i], and left a very diſmal proſpect to the kingdom. Though diſorders were for the preſent obviated by the authority of the regency formerly eſtabliſhed, the ſuc- 1291. Competitor for the crown of Scotland.

[h] Rymer, vol. ii. p. 482. [i] Heming. vol. i. p. 30. Trivet, p. 268.

CHAP. XIII.

1291.

ceſſion itſelf of the crown was now become an object of diſpute; and the regents could not expect, that a controverſy, which is not uſually decided by reaſon and argument alone, would be peaceably ſettled by them, or even by the ſtates of the kingdom, amidſt ſo many powerful pretenders. The poſterity of William, king of Scotland, the prince taken priſoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown devolved on the iſſue of David, earl of Huntingdon, brother to William, whoſe male line, being alſo extinct, left the ſucceſſion open to the poſterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan lord of Galloway, Iſabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who eſpouſed Henry lord Haſtings. Margaret, the eldeſt of the ſiſters, left one daughter, Devergilda, married to John Baliol, by whom ſhe had a ſon of the ſame name, one of the preſent competitors for the crown: Iſabella, the ſecond, bore a ſon, Robert Bruce, who was now alive, and who alſo inſiſted on his claim: Adama the third left a ſon, John Haſtings, who pretended, that the kingdom of Scotland, like many other inheritances, was diviſible among the three daughters of the earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united againſt Haſtings, in maintaining that the kingdom was indiviſible; but each of them, ſupported by plauſible reaſons, aſſerted the preference of his own title. Baliol was ſprung from the elder branch: Bruce was one degree nearer the common ſtock: If the principle of repreſentation was regarded, the former had the better claim: If propinquity was conſidered, the latter was entitled to the preference [k]: The ſentiments of men were divided: All the nobility had taken part on one ſide or the other:

[k] Heming, vol. i. p. 36.

The

The people followed implicitly their leaders: The two claimants themſelves had great power and numerous retainers in Scotland: And it is no wonder, that, among a rude people, more accuſtomed to arms than enured to laws, a controverſy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions. CHAP. XIII. 1291.

EACH century has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without enquiry, the manners, which are prevalent in their own time. The practice of that age, in controverſies between ſtates and princes, ſeems to have been to chuſe a foreign prince, as an equal arbiter, by whom the queſtion was decided, and whoſe ſentence prevented thoſe diſmal confuſions and diſorders, inſeparable at all times from war, but which were multiplied a hundred fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh king and barons, in the preceding reign, had endeavoured to compoſe their diſſenſions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded from ſo perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference

CHAP. XIII.

reference to Edward; and Fraſer, biſhop of St. Andrews, with other deputies, was ſent to notify to him their reſolution, and to claim his good offices in the preſent dangers to which they were expoſed [1]. His inclination, they flattered themſelves, led him to prevent their diſſenſions, and to interpoſe with a power, which none of the competitors would dare to withſtand: When this expedient was propoſed by one party, the other deemed it dangerous to object to it: Indifferent perſons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almoſt certain ruin, which muſt attend a ſmall ſtate, divided by faction, when it thus implicitly ſubmits itſelf to the will of ſo powerful and encroaching a neighbour.

1291. Reference to Edward.

THE temptation was too ſtrong for the virtue of the Engliſh monarch to reſiſt. He purpoſed to lay hold of the preſent favourable opportunity, and if not to create, at leaſt to revive, his claim of a feudal ſuperiority over Scotland; a claim which had hitherto lain in the deepeſt obſcurity, and which, if ever it had been an object of attention, or had been ſo much as ſuſpected, would have effectually prevented the Scottiſh barons from chuſing him for an umpire. He well knew, that, if this pretenſion were once ſubmitted to, as it ſeemed difficult, in the preſent ſituation of Scotland, to oppoſe it, the abſolute ſovereignty of that kingdom (which had been the caſe with Wales) would ſoon follow; and that one great vaſſal, cooped up in an iſland with his liege lord, without reſource from foreign powers, without aid from any fellow vaſſals, could not long maintain his dominions againſt the efforts of a mighty kingdom, aſſiſted by all the cavils which the feudal law afforded his ſuperior againſt him. In purſuit of this great object, very advan-

Homage of Scotland.

[1] Heming. vol. i. p. 31.

tageous,

tageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his pretended ſuperiority; and inſtead of looking into his own archives, which, if his claim had been real, muſt have afforded him numerous records of the homages done by the Scottiſh princes, and could alone yield him any authentic teſtimony, he made all the monaſteries be ranſacked for old chronicles and hiſtories written by Engliſhmen, and he collected all the paſſages, which ſeemed anywiſe to favour his pretenſions [m]. Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them through all the ſubſequent Saxon and Norman times; but produced nothing to his purpoſe [n]. The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monkiſh hiſtorians, is, that the Scots had ſometimes been defeated by the Engliſh, had received peace on diſadvantageous terms, had made ſubmiſſions to the Engliſh monarch, and had even perhaps fallen into ſome dependance on a power, which was ſo much ſuperior, and which they had not at that time ſufficient force to reſiſt. His authorities from the Norman period were, if poſſible, ſtill leſs concluſive: The hiſtorians indeed make frequent mention of homage done by the northern potentate; but no one of them ſays that it was done for his kingdom, and ſeveral of them declare, in expreſs terms, that it was relative only to the fiefs which he enjoyed ſouth of the Tweed [o]; in the ſame manner, as the king of England himſelf ſwore fealty to the French monarch, for the fiefs which he inherited in France. And to ſuch

CHAP. XIII. 1291.

[m] Walſing. p. 55. [n] Rymer, vol. ii. p. 559. [o] Hoveden, p. 492. 662. M. Paris, p. 109. M. Weſt. p. 256.

ſcandalous

CHAP. XIII. 1291.

ſcandalous ſhifts was Edward reduced, that he quotes a paſſage from Hoveden [p], where it is aſſerted, that a Scottiſh king had done homage to England; but he purpoſely omits the latter part of the ſentence, which expreſſes that this prince did homage for the lands which he held in England.

When William, king of Scotland, was taken priſoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to ſwear fealty to the victor for his crown itſelf. The deed was performed according to all the rites of the feudal law: The record was preſerved in the Engliſh archives, and is mentioned by all the hiſtorians: But as it is the only one of the kind, and as hiſtorians ſpeak of this ſuperiority as a great acquiſition gained by the fortunate arms of Henry II. [q] there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independant. Its ſubjection continued a very few years: King Richard, deſirous, before his departure for the Holy Land, to conciliate the friendſhip of William, renounced that homage, which, he ſays in expreſs terms, had been extorted by his father; and he only retained the uſual homage which had been done by the Scottiſh princes for the lands which they held in England.

But though this tranſaction rendered the independance of Scotland ſtill more unqueſtionable, than if no fealty had ever been ſworn to the Engliſh crown; the Scottiſh kings, apprized of the point aimed at by their powerful neighbours, ſeem for a long time to have retained ſome jealouſy on that head, and in doing homage, to have anxiouſly obviated all ſuch pretenſions. When William in 1200 did homage to John at Lincoln, he was careful to inſert a ſalvo for his royal dignity [r]: When Alexander III. ſent aſſiſtance to his father-in-law, Henry III. during

[p] P. 662. [q] Neubr. lib. ii. cap. 4. Knyghton, p. 2392.
[r] Hoveden, p. 811.

the

the wars of the barons, he previouſly procured an acknowledgment, that this aid was granted only from friendſhip, not from any right claimed by the Engliſh monarch [s]: And when the ſame prince was invited to aſſiſt at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment [t]. CHAP. XIII. 1291.

But as all theſe reaſons (and ſtronger could not be produced) were but a feeble rampart againſt the power of the ſword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scottiſh parliament and all the competitors to attend him in the caſtle of Norham, a place ſituated on the ſouthern banks of the Tweed, in order to determine that cauſe, which had been referred to his arbitration. But though this deference ſeemed due to ſo great a monarch, and was no more than what his father and the Engliſh barons had, in ſimilar circumſtances, paid to Lewis IX. the king, careful not to give umbrage, and determined never to produce his claim, till it ſhould be too late to think of oppoſition, ſent the Scottiſh barons an acknowledgment, that, though at that time they paſſed the frontiers, this ſtep ſhould never be drawn into precedent, or afford the Engliſh kings a pretence for exacting a like ſubmiſſion in any future tranſaction [u]. When the whole Scottiſh nation had thus unwarily put themſelves in his power, Edward opened the conferences at Norham: He informed the parliament, by the mouth of Roger le Brabançon, his chief juſticiary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do ſtrict juſtice to all parties; and that he was intitled to this authority, not in virtue of the reference made to him, but in quality of ſuperior and liege lord of the kingdom [w]. 10th May.

[s] Rymer, vol. ii. p. 844. [t] See note [B] at the end of the volume. [u] Rymer, vol. ii. p. 539. 845. Walſing. p. 56. [w] Rymer, vol. ii. p. 543. See note [C] at the end of the volume.

He

CHAP. XIII.

1291. He then produced his proofs of this ſuperiority, which he pretended to be unqueſtionable, and he required of them an acknowledgment of it; a demand, which was ſuperfluous if the fact were already known and avowed, and which plainly betrays Edward's conſciouſneſs of his lame and defective title. The Scottiſh parliament was aſtoniſhed at ſo new a pretenſion, and anſwered only by their ſilence. But the king, in order to maintain the appearance of free and regular proceedings, deſired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propoſe all their objections, and to inform him of their reſolution: And he appointed a plain at Upſettleton, on the northern banks of the Tweed, for that purpoſe.

When the Scottiſh barons aſſembled in this place, though moved with indignation at the injuſtice of this unexpected claim, and at the fraud with which it had been conducted, they found themſelves betrayed into a ſituation, in which it was impoſſible for them to make any defence for the ancient liberty and independance of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very ſmall diſtance, and was only ſeparated from them by a river fordable in many places. Though by a ſudden flight ſome of them might themſelves be able to make their eſcape; what hopes could they entertain of ſecuring the kingdom againſt his future enterprizes? Without a head, without union among themſelves, attached all of them to different competitors, whoſe title they had raſhly ſubmitted to the deciſion of this foreign uſurper, and who were thereby reduced to an abſolute dependance upon him; they could only expect by reſiſtance to entail on themſelves and their poſterity a more grievous and more deſtructive ſervitude. Yet even in this deſperate ſtate of their affairs, the Scottiſh barons, as we learn from Walſingham,

singham[w], one of the best historians of that period, had the courage to reply, that, till they had a king, they could take no resolution on so momentous a point: The journal of king Edward says, that they made no answer at all[x]: That is, perhaps, no *particular* answer or objection to Edward's claim: And by this solution it is possible to reconcile the journal with the historian. The king, therefore, interpreting their silence as consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgment of his superiority. CHAP. XIII. 1291.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves, concerning the preference of their respective titles, supposing the kingdom indivisible: Yet there appeared on this occasion no less than nine claimants besides; John Comyn or Cummin lord of Badenoch, Florence earl of Holland, Patric Dunbar earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de Ross; not to mention the king of Norway, who claimed as heir to his daughter Margaret[y]. Some of these competitors were descended from more remote branches of the royal family; others were even sprung from illegitimate children; and as none of them had the least pretence of right, it is natural to conjecture, that Edward had secretly encouraged them to appear in the list of claimants, that he might sow the more division among the Scottish nobility, make

[w] Page 56. M. West. p. 436. It is said by Hemingford, vol. i. p. 33. that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

[x] Rymer, vol. ii. p. 548.

[y] Walsing. p. 58.

the

CHAP. XIII. 1291.

the cauſe appear the more intricate, and be able to chuſe, among a great number, the moſt obſequious candidate.

But he found them all equally obſequious on this occaſion [z]. Robert Bruce was the firſt that acknowledged Edward's right of ſuperiority over Scotland; and he had ſo far foreſeen the king's pretenſions, that even in his petition, where he ſet forth his claim to the crown, he had previouſly applied to him as liege lord of the kingdom; a ſtep which was not taken by any of the other competitors [a]. They all, however, with ſeeming willingneſs, made a like acknowledgment when required; though Baliol, leſt he ſhould give offence to the Scottiſh nation, had taken care to be abſent during the firſt days; and he was the laſt that recognized the king's title [b]. Edward next deliberated concerning the method of proceeding in the diſcuſſion of this great controverſy. He gave orders, that Baliol, and ſuch of the competitors as adhered to him, ſhould chuſe forty commiſſioners; Bruce and his adherents forty more: To theſe the king added twenty-four Engliſhmen: He ordered theſe hundred and four commiſſioners to examine the cauſe deliberately among themſelves, and make their report to him [c]: And he promiſed in the enſuing year to give his determination. Mean while, he pretended, that it was requiſite to have all the fortreſſes of Scotland delivered into his hands, in order to enable him, without oppoſition, to put the true heir in poſſeſſion of the crown; and this exorbitant demand was complied with, both by the ſtates and by the claimants [d]. The governors alſo of all the caſtles immediately reſigned their command; except Umfreville earl of Angus, who refuſed, without a formal and particular acquittal from the parliament and the ſeveral claimants,

z Rymer, vol. ii. p. 529. 545. Walſing. p. 56. Heming. vol. i. p. 33, 34. Trivet, p. 260. M. Weſt. p. 415. a Rymer, vol. ii. p. 577, 578, 579. b Ibid. p. 546. c Ibid. p. 555, 556.
d Ibid. p. 529. Walſing. p. 56, 57.

to

CHAP. XIII.

to surrender his fortresses to so domineering an arbiter, who had given to Scotland so many just reasons of suspicion [e]. Before this assembly broke up, which had fixed such a mark of dishonour on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to receive a like oath from all the other barons and persons of distinction in Scotland [f]. 1291.

The king, having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwic, and examine the titles of the several competitors, who claimed the precarious crown, which Edward was willing for some time to allow the lawful heir to enjoy. He went southwards, both in order to assist at the funeral of his mother, queen Eleanor, who died about this time, and to compose some differences which had arisen among his principal nobility. Gilbert earl of Gloucester, the greatest baron of the kingdom, had espoused the king's daughter; and being elated by that alliance, and still more by his own power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violence on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which such illegal proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty, till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his son-in-law.

During this interval, the titles of John Baliol and of Robert Bruce, whose claims appeared to be the best founded among the competitors for the crown of Scot- 1292.

[e] Rymer, vol. ii. p. 531. [f] Ibid. p. 573.

CHAP. XIII.

land, were the subject of general disquisition, as well as of debate among the commissioners. Edward, in order to
1292. give greater authority to his intended decision, proposed this general question both to the commissioners, and to all the celebrated lawyers in Europe; Whether a person descended from the elder sister, but farther removed by one degree, were preferable, in the succession of kingdoms, fiefs, and other indivisible inheritances, to one descended from the younger sister, but one degree nearer to the common stock? This was the true state of the case; and the principle of representation had now gained such ground every where, that a uniform answer was returned to the king in the affirmative. He therefore pronounced sentence in favour of Baliol; and when Bruce, upon this disappointment, joined afterwards lord Hastings, and claimed a third of the kingdom, which he now pretended to be divisible, Edward, though his interests seemed more to require the partition of Scotland, again pronounced sentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in possession of the kingdom [g]; all his fortresses were restored to him [h]; and the conduct of Edward, both in the deliberate solemnity of the proceedings, and in the justice of the award, was so far unexceptionable.

Award of Edward in favour of Baliol.

1293 HAD the king entertained no other view than that of establishing his superiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the most egregious breach of trust, he might have fixed his pretensions, and have left that important acquisition to his posterity: But he immediately proceeded in such a manner, as made it evident, that, not content with this usurpation, he aimed also at the absolute sovereignty and

[g] Rymer, vol. ii. p. 590, 591. 593. 600.

[h] Rymer, vol. ii. p. 590.

dominion

dominion of the kingdom. Instead of gradually enuring the Scots to the yoke, and exerting his rights of superiority with moderation, he encouraged all appeals to England; required king John himself, by six different summons on trivial occasions, to come to London [i]; refused him the privilege of defending his cause by a procurator; and obliged him to appear at the bar of his parliament as a private person [k]. These humiliating demands were hitherto quite unknown to a king of Scotland: They are however the necessary consequence of vassalage by the feudal law; and as there was no preceding instance of such treatment submitted to by a prince of that country, Edward must, from that circumstance alone, had there remained any doubt, have been himself convinced, that his claim was altogether an usurpation *. But his intention plainly was, to enrage Baliol by these indignities, to engage him in rebellion, and to assume the dominion of the state as the punishment of his treason and felony. Accordingly Baliol, though a prince of a soft and gentle spirit, returned into Scotland highly provoked at this usage, and determined at all hazards to vindicate his liberty; and the war, which soon after broke out between France and England, gave him a favourable opportunity of executing his purpose.

CHAP. XIII. 1293.

The violence, robberies, and disorders, to which that age was so subject, were not confined to the licentious barons and their retainers at land: The sea was equally infested with piracy: The feeble execution of the laws had given licence to all orders of men: And a general appetite for rapine and revenge, supported by a false point of honour, had also infected the merchants and mariners; and it pushed them, on any provocation, to seek redress, by immediate retaliation upon the aggressors. A Norman

[i] Rymer, vol. ii. p. 603. 605, 606. 608. 615, 616. [k] Ryley's Placit. Parl. p. 152, 153. * See note [D] at the end of the volume.

CHAP. XIII.

1293. War with France.

and an Engliſh veſſel met off the coaſt near Bayonne; and both of them having occaſion for water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring: There enſued a quarrel for the preference: A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who, grappling with him, threw his adverſary on the ground; and the Norman, as was pretended, falling on his own dagger, was ſlain [l]. This ſcuffle between two ſeamen about water, ſoon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried their complaints to the French king: Philip, without enquiring into the fact, without demanding redreſs, bade them take revenge, and trouble him no more about the matter [m]. The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel [n]; and bade the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with ſo general and deliberate an inſult, was reſented by the mariners of the cinque ports, who, without carrying any complaint to the king, or waiting for redreſs, retaliated by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon: The ſea became a ſcene of piracy between the nations: The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to remain indifferent ſpectators: The Engliſh made pri-

[l] Walſing. p. 58. Heming. vol. i. p. 39.
[m] Walſing. p. 58.
[n] Heming. vol. i. p. 40. M. Weſt. p. 419.

vate

vate associations with the Irish and Dutch seamen; the French with the Flemish and Genoese [o]: And the animosities of the people on both sides became every day more violent and barbarous. A fleet of two hundred Norman vessels set sail to the south for wine and other commodities; and in their passage, seized all the English ships which they met with; hanged the seamen, and seized the goods. The inhabitants of the English sea-ports, informed of this incident, fitted out a fleet of sixty sail, stronger and better manned than the others, and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greater part of them [p]. No quarter was given; and it is pretended, that the loss of the French amounted to 15,000 men: Which is accounted for by this circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south.

CHAP. XIII. 1293.

The affair was now become too important to be any longer overlooked by the sovereigns. On Philip's sending an envoy to demand reparation and restitution, the king dispatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law [q]. He next offered to adjust the matter by private arbiters, or by a personal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals, agreed on by both parties [r]. The French, probably the more disgusted, as they were hitherto losers in the quarrel, refused all these expedients: The vessels and the goods of merchants were confiscated on both sides: Depredations were continued by the Gascons on the western coast of

[o] Heming. vol. i. p. 40. Chron. Dunst. vol. ii. p. 609. [p] Walsing. p. 60. Trivet, p. 274. [q] Trivet, p. 275. [r] Ibid.

CHAP. XIII.

France, as well as by the Engliſh in the channel: Philip cited the king, as duke of Guienne, to appear in his
1293. court at Paris, and anſwer for theſe offences: And Edward, apprehenſive of danger to that province, ſent John St. John, an experienced ſoldier, to Bourdeaux, and gave him directions to put Guienne in a poſture of defence [s].

1294. THAT he might however prevent a final rupture between the nations, the king diſpatched his brother, Edmond, earl of Lancaſter, to Paris; and as this prince had eſpouſed the queen of Navarre, mother to Jane, queen of France, he ſeemed, on account of that alliance, the moſt proper perſon for finding expedients to accommodate the difference. Jane pretended to interpoſe with her good offices: Mary, the queen-dowager, feigned the ſame amicable diſpoſition: And theſe two princeſſes told Edmond, that the circumſtance, the moſt difficult to adjuſt, was the point of honour with Philip, who thought himſelf affronted by the injuries committed againſt him by his ſub-vaſſals in Guienne: But if Edward would once conſent to give him ſeizin and poſſeſſion of that province, he would think his honour fully repaired, would engage to reſtore Guienne immediately, and would accept of a very eaſy ſatisfaction for all the other injuries. The king was conſulted on the occaſion; and as he then found himſelf in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite paſſion for ſubduing that nation, allowed himſelf to be deceived by ſo groſs an artifice [t]. He ſent his brother orders to ſign and execute the treaty with the two queens; Philip ſolemnly promiſed to execute his part of it; and the king's citation to appear in the court of France, was accordingly recalled:

[s] Trivet, p. 276. Heming. vol. i. p. 42, 43.

[t] Rymer, vol. ii. p. 619, 620. Walſing. p. 61. Trivet, p. 277.

But

CHAP. XIII.

But the French monarch was no ſooner put in poſſeſſion of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal ſentence, was declared to be forfeited and annexed to the crown [u]. 1294.

EDWARD, fallen into a like ſnare with that which he himſelf had ſpread for the Scots, was enraged; and the more ſo, as he was juſtly aſhamed of his own conduct, in being ſo egregiouſly over-reached by the court of France. Senſible of the extreme difficulties, which he ſhould encounter in the recovery of Gaſcony, where he had not retained a ſingle place in his hands; he endeavoured to compenſate that loſs, by forming alliances with ſeveral princes, who, he projected, ſhould attack France on all quarters, and make a diverſion of her forces. Adolphus de Naſſau, king of the Romans, entered into a treaty with him for that purpoſe [w]; as did alſo Amadæus, count of Savoy, the archbiſhop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But theſe alliances were extremely burdenſome to his narrow revenues, and proved in the iſſue entirely ineffectual. More impreſſion was made on Guienne by an Engliſh army, which he completed by emptying the jails of many thouſand thieves and robbers, who had been confined there for their crimes. So low had the profeſſion of arms fallen, and ſo much had it degenerated from the eſtimation in which it ſtood during the vigour of the feudal ſyſtem!

THE king himſelf was detained in England, firſt by contrary winds [x], then by his apprehenſions of a Scottiſh invaſion, and by a rebellion of the Welſh, whom he re- 1295.

[u] Rymer, vol. ii. p. 620. 622. Walſing. p. 61. Trivet, p. 278.
[w] Heming. vol. i. p. 51. [x] Chron. Dunſt. vol. ii. p. 622.

CHAP. XIII. 1295.

preſſed and brought again under ſubjection [y]. The army, which he ſent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation [z]; who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour, which the Gaſcon nobility bore to the Engliſh government, facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Reole, obliged Giffard, the governor, to capitulate; and the articles, though favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom about fifty were hanged by Charles as rebels: A policy, by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh [a]. That prince immediately attacked Reole, where the earl of Richmond himſelf commanded; and as the place ſeemed not tenable, the Engliſh general drew his troops to the water-ſide, with an intention of embarking with the greater part of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French, who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon of the earl of Oxford; but was at laſt obliged to capitulate. The French king, not content with theſe ſucceſſes in Gaſcony, threatened England with an invaſion;

[y] Walſing. p. 62. Heming, vol. i. p. 55. Trivet, p. 282. Chron. Dunſt. vol. ii. p. 622. [z] Trivet, p. 279. [a] Heming, vol. i. p. 49.

and

and by a sudden attempt, his troops took and burnt Dover [b], but were obliged soon after to retire. And in order to make a greater diversion of the English force, and engage Edward in dangerous and important wars, he formed a secret alliance with John Baliol, king of Scotland; the commencement of that strict union, which, during so many centuries, was maintained, by mutual interests and necessities, between the French and Scottish nations. John confirmed this alliance by stipulating a marriage between his eldest son and the daughter of Charles de Valois [c]. CHAP. XIII. 1295.

THE expences attending these multiplied wars of Edward, and his preparations for war, joined to alterations which had insensibly taken place in the general state of affairs, obliged him to have frequent recourse to parliamentary supplies, introduced the lower orders of the state into the public councils, and laid the foundations of great and important changes in the government. Digression concerning the constitution of parliament.

THOUGH nothing could be worse calculated for cultivating the arts of peace or maintaining peace itself, than the long subordination of vassalage from the king to the meanest gentleman, and the consequent slavery of the lower people, evils inseparable from the feudal system; that system was never able to fix the state in a proper warlike posture, or give it the full exertion of its power for defence, and still less for offence, against a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or services; composed a disorderly and consequently a feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, against whom they were assembled. The sovereigns came gradually to diffuse

[b] Trivet, p. 284. Chron. Dunst. vol. ii. p. 642. [c] Rymer, vol. ii. p. 680, 681. 695. 697. Heming. vol. i. p. 76. Trivet, p. 285.

this

CHAP. XIII. 1295.

this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers, (ſuch as thoſe the Italians denominate *Condottieri*) whom they diſmiſſed at the end of the war [d]. The barons and knights themſelves often entered into theſe engagements with the prince; and were enabled to fill their bands, both by the authority which they poſſeſſed over their vaſſals and tenants, and from the great numbers of looſe, diſorderly people, whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

MEAN-WHILE, the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into ſixty thouſand knights' fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the king at laſt found, that, by putting the law in execution, he could aſſemble a ſmall part only of the ancient force of the kingdom. It was a uſual expedient for men, who held of the king or great barons by military tenure, to transfer their land to the church, and receive it back by another tenure called frankalmoigne, by which they were not bound to perform any ſervice [e]. A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably was not entirely corrected by the new ſtatute, which, like moſt laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſt of ſo many individuals. The conſtable and mareſchal, when they muſtered the armies, often, in a hurry, and for want of better information, received the ſervice of a baron for fewer knights' fees, than were due by him; and one precedent of this

[d] Cotton's Abr. p. 11.

[e] Madox's Baronia Anglica, p. 114.

kind

kind was held good againſt the king, and became ever after a reaſon for diminiſhing the ſervice [f]. The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were ſummoned into the field [g]; it was then too late to think of examining records and charters; and the ſervice was accepted on the footing which the vaſſal himſelf was pleaſed to acknowledge, after all the various ſubdiviſions and conjunctions of property had thrown an obſcurity on the nature and extent of his tenure [h]. It is eaſy to judge of the intricacies which would attend diſputes of this kind with individuals; when even the number of military fees, belonging to the church, whoſe property was fixed and unalienable, became the ſubject of controverſy; and we find in particular, that, when the biſhop of Durham was charged with ſeventy knights' fees for the aid levied on occaſion of the marriage of Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and diſowned the other ſixty [i]. It is not known in what manner this difference was terminated; but had the queſtion been concerning an armament to defend the kingdom, the biſhop's ſervice would probably have been received without oppoſition for ten fees; and this rate muſt alſo have fixed all his future payments. Pecuniary ſcutages, therefore, diminiſhed as much as military ſervices [k]: Other methods of filling the exchequer as well as the armies muſt be deviſed: New ſituations

CHAP. XIII. 1295.

f Madox's Baronia Anglica, p. 115.

g We hear only of one king, Henry II. who took this pains; and the record, called Liber niger Scaccarii, was the reſult of it.

h Madox, Bar. Ang. p. 116. i Ibid. p. 122. Hiſt. of Exch. p. 404.

k In order to pay the ſum of 100,000 marks, as king Richard's ranſom, twenty ſhillings were impoſed on each knight's fee. Had the fees remained on the original footing, as ſettled by the Conqueror, this ſcutage would have amounted to 90,000 marks, which was nearly the ſum required: But we find, that other grievous taxes were impoſed to complete it: A certain proof, that many frauds and abuſes had prevailed in the roll of knights fees.

produced

CHAP. XIII. 1295.

produced new laws and institutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

The exorbitant estates, conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands; and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers, by dealing them out among them in smaller portions. Such moderate estates, as they required œconomy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all immediate vassals of the crown by military tenure, they were, by the principles of the feudal law, equally intitled with the greatest barons to a seat in the national or general councils; and this right, though regarded as a privilege, which the owners would not entirely relinquish, was also considered as a burthen, which they desired to be subjected to on extraordinary occasions only. Hence it was provided in the charter of king John, that, while the great barons were summoned to the national council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age and to the simplicity of ancient government, was left very much to be determined by the discretion of the king and his ministers. It

was

was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments [l]; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleased on other occasions to be exempted from the burthen: And as he was acknowledged to be of the same order with the greatest barons, it gave them no surprize to see him take his seat in the great council, whether he appeared of his own accord, or by a particular summons from the king. The barons by *Writ*, therefore, began gradually to intermix themselves with the barons by *Tenure*; and, as Camden tells us [m], from an ancient manuscript, now lost, that, after the battle of Evesham, a positive law was enacted, prohibiting every baron from appearing in parliament, who was not invited thither by a particular summons, the whole baronage of England held thenceforward their seat by writ, and this important privilege of their tenures was in effect abolished. Only, where writs had been regularly continued for some time in one great family, the omission of them would have been regarded as an affront, and even as an injury.

CHAP. XIII. 1295.

A LIKE alteration gradually took place in the order of earls, who were the highest rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official [n]: He exercised jurisdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magistrate: And though his authority, from the time of the Norman conquest, was hereditary in England, the title was so much connected with the office, that, where the king intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom,

[l] Chancellor West's enquiry into the manner of creating peers, p. 43. 46, 47. 55. [m] In Britann. p. 122. [n] Spelm. Gloss. in voce Comes.

and

CHAP. XIII.

1195. and to bestow it upon the person and his family [o]. But as the sheriffs, who were the vice-gerents of the earls, were named by the king, and removeable at pleasure, he found them more dependant upon him; and endeavoured to throw the whole authority and jurisdiction of the office into their hands. This magistrate was at the head of the finances, and levied all the king's rents within the county: He assessed at pleasure the talliages of the inhabitants in royal demesne: He had usually committed to him the management of wards and often of escheats: He presided in the lower courts of judicature: And thus, though inferior to the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction [p]. It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, instead of being territorial and official, dwindled into personal and titular. Such were the mighty alterations, which already had fully taken place, or were gradually advancing, in the house of peers; that is, in the parliament: For there seems anciently to have been no other house.

BUT though the introduction of barons by writ, and of titular earls, had given some encrease to royal authority; there were other causes, which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse, into which the feudal militia had in a great measure fallen,

[o] Essays on British antiquities. This practice, however, seems to have been more familiar in Scotland and the kingdoms on the continent, than in England.

[p] There are instances of princes of the blood who accepted of the office of sheriff. Spellman in voce *Vicecomes*.

made

made the barons almoſt entirely forget their dependence on the crown: By the diminution of the number of knights fees, the king had no reaſonable compenſation when he levied ſcutages and exchanged their ſervice for money: The alienations of the crown lands had reduced him to poverty: And above all, the conceſſion of the Great Charter had ſet bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this ſituation it was natural for the king to court the friendſhip of the leſſer barons and knights, whoſe influence was no ways dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to controul the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them. To ſummon only a few by writ, though it was practiſed and had a good effect, ſerved not entirely the king's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility. He therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and in return for this indulgence (for ſuch it was then eſteemed) required them to chuſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them, of courſe, the authority, of the whole order. This expedient had been practiſed at different times, in the reign of Henry III.[q] and regularly, during that of the preſent king. The numbers ſent up

CHAP. XIII. 1295.

[q] Rot. Clauſ. 38. Hen. III. m. 7. and 12 d.; As alſo Rot. Clauſ. 42. Hen. III. m. 1. d. Prynne's Pref. to Cotton's Abridgment.

by

CHAP. XIII.

1295.

by each county varied at the will of the prince[r]: They took their ſeat among the other peers; becauſe by their tenure they belonged to that order[s]: The introducing of them into that houſe ſcarcely appeared an innovation: And though it was eaſily in the king's power, by varying their number, to command the reſolutions of the whole parliament, this circumſtance was little attended to, in an age when force was more prevalent than laws, and when a reſolution, though taken by the majority of a legal aſſembly, could not be executed, if it oppoſed the will of the more powerful minority.

But there were other important conſequences, which followed the diminution and conſequent diſuſe of the ancient feudal militia. The king's expence, in levying and maintaining a military force for every enterprize, was encreaſed beyond what his narrow revenues were able to bear: As the ſcutages of his military tenants, which were accepted in lieu of their perſonal ſervice, had fallen to nothing; there were no means of ſupply but from voluntary aids granted him by the parliament and clergy: Or from the talliages which he might levy upon the towns and inhabitants in royal demeſne. In the preceding year, Edward had been obliged to exact no leſs than the ſixth of all moveables from the laity, and a moiety of all eccleſiaſtical benefices[t] for his expedition into Poictou, and the ſuppreſſion of the Welſh: And this diſtreſsful ſituation, which was likely often to return upon him and his ſucceſſors, made him think of a new device, and ſummon the repreſentatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, ſeems to be the real and true epoch of the houſe of commons; and the faint dawn of popular government in England.

[r] Brady's anſwer to Petyt, from the records, p. 151. [s] Brady's Treatiſe of Boroughs, App. No. 13. [t] Ibid. p. 31. from the records. Heming. vol. i. p. 52. M. Weſt. p. 422. Ryley, p. 462.

CHAP. XIII.

For the repreſentatives of the counties were only deputies from the ſmaller barons and leſſer nobility: And the former precedent of repreſentatives from the boroughs, who were ſummoned by the earl of Leiceſter, was regarded as the act of a violent uſurpation, had been diſcontinued in all the ſubſequent parliaments, and if ſuch a meaſure had not become neceſſary on other accounts, that precedent was more likely to blaſt than give credit to it. 1295.

DURING the courſe of ſeveral years, the kings of England, in imitation of other European princes, had embraced the ſalutary policy of encouraging and protecting the lower and more induſtrious orders of the ſtate; whom they found well diſpoſed to obey the laws and civil magiſtrate, and whoſe ingenuity and labour furniſhed commodities, requiſite for the ornament of peace and ſupport of war. Though the inhabitants of the country were ſtill left at the diſpoſal of their imperious lords; many attempts were made to give more ſecurity and liberty to citizens, and make them enjoy unmoleſted the fruits of their induſtry. Boroughs were erected by royal patent within the demeſne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and cuſtoms [u]: They were permitted to elect their own magiſtrates: Juſtice was adminiſtered to them by theſe magiſtrates, without obliging them to attend the ſheriff or county court: And ſome ſhadow of independence, by means of theſe equitable privileges, was gradually acquired by the people [w]. The king, however, retained ſtill the power of levying talliages or taxes upon them at pleaſure [x]; and though their

[u] Madox, Firma Burgi, p. 21. [w] Brady of Boroughs, App. No. 1, 2, 3.

[x] The king had not only the power of talliating the inhabitants within his own demeſnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's anſwer to Petyt, p. 118. Madox's Hiſt. of the Exchequer, p. 518.

CHAP. XIII.

1295.

poverty and the cuſtoms of the age made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied neceſſities of the crown produced a greater avidity for ſupply, the king, whoſe prerogative entitled him to exact it, found that he had not power ſufficient to enforce his edicts, and that it was neceſſary, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſolicitations, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible, that the moſt expeditious way of obtaining ſupply, was to aſſemble the deputies of all the boroughs, to lay before them the neceſſities of the ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon, he iſſued writs to the ſheriffs, enjoining them to ſend to parliament, along with two knights of the ſhire, two deputies from each borough within their county [y], and theſe provided with ſufficient powers from their community, to conſent, in their name, to what he and his council ſhould require of them. *As it is a moſt equitable rule*, ſays he, in his preamble to this writ, *that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts* [z]; a noble principle, which may ſeem to indicate a liberal mind in the king, and

y Writs were iſſued to about 120 cities and boroughs.

z Brady of boroughs, p. 25. 33. from the records. The writs of the parliament immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: A demonſtration, that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a ſeeming free conſent of each particular borough, beginning with London. Id. p. 31, 32, 33. from the records. Alſo his anſwer to Petyt, p. 40, 41.

which

CHAP. XIII. 1295.

which laid the foundation of a free and an equitable government.

AFTER the election of these deputies, by the aldermen and common council, they gave sureties for their attendance before the king and parliament: Their charges were respectively borne by the borough, which sent them: And they had so little idea of appearing as legislators, a character extremely wide of their low rank and condition [a], that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected, to a trust from which no profit or honour could possibly be derived [b]. They composed not, properly speaking, any essential part of the parliament: They sat apart both from the barons and knights [c], who disdained to mix with such mean personages: After they had given their consent to the taxes required of them, their business being then finished, they separated, even though the parliament still continued to sit, and to canvass the national business [d]: And as they all consisted of men, who were real burgesses of the place from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for the office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no displeasure to the court, who levied on all the boroughs, without distinction, the tax agreed to by the majority of deputies [e].

THE

[a] Reliquia Spellm. p. 64. Prynne's pref. to Cotton's Abridg. and the Abridg. passim. [b] Brady of Boroughs, p. 59, 60. [c] Ibid. p. 37, 38. from the records, and append. p. 19. Also his append. to his answ. to Petyt, Record. And his gloss. in Verb. *Communitas Regn.* p. 33.

[d] Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

[e] Brady of Boroughs, p. 52. from the records. There is even an instance in the reign of Edward III. when the king named all the deputies. Id. answ. to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check

CHAP. XIII.

1295. THE union, however, of the repreſentatives from the boroughs gave gradually more weight to the whole order; and it became cuſtomary for them, in return for the ſupplies which they granted, to prefer petitions to the crown for the redreſs of any particular grievance, of which they found reaſon to complain. The more the king's demands multiplied, the faſter theſe petitions encreaſed both in number and authority; and the prince found it difficult to refuſe men, whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The commons however were ſtill much below the rank of legiſlators [f]. Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the king, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed, that the ſovereign, at the deſire of any claſs of men, ſhould iſſue an order, which appeared only to concern that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened men's eyes and corrected theſe abuſes. It was found, that no laws could be fixed for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order in the ſtate, with reaſon expected, that their aſſent ſhould be

the king, but to reaſon with him, and conſent to his demands. It was not till the reign of Richard II. that the ſheriffs were deprived of the power of omitting boroughs at pleaſure. See Stat. at large, 5th Richard II. cap. 4.

[f] See note [E] at the end of the volume.

expreſsly

expreſsly granted to all public ordinances [g]: And in the reign of Henry V. the commons required, that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill [h].

But as the ſame cauſes, which had produced a partition of property, continued ſtill to operate; the number of knights and leſſer barons, or what the Engliſh call the gentry, perpetually encreaſed, and they ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate [i]. The growth of commerce, meanwhile, augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown encreaſed their public importance; and as they reſembled the knights of ſhires in one material circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges [k]. Thus the third eſtate, that of the commons, reached at laſt its preſent form; and as the country gentlemen made thenceforwards no ſcruple of appearing as deputies from the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of this eſtate was

[g] In thoſe inſtances found in Cotton's abridgement, where the king appears to anſwer of himſelf the petitions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating matters by royal edicts or proclamations. But no durable or general ſtatute ſeems ever to have been made by the king from the petition of the commons alone, without the aſſent of the peers. It is more likely that the peers alone, without the commons, would enact ſtatutes.

[h] Brady's anſw. to Petyt, p. 85. from the records. [i] Cotton's abridgement, p. 13. [k] See note [F] at the end of the volume.

CHAP. XIII. very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and
1295. controuling the authority of the king, they were naturally induced to adhere to him, as the great fountain of law and juſtice, and to ſupport him againſt the power of the ariſtocracy, which at once was the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The king, in his turn, gave countenance to an order of men, ſo uſeful and ſo little dangerous: The peers alſo were obliged to pay them ſome conſideration: And by this means, the third eſtate, formerly ſo abject in England, as well as in all other European nations, roſe by ſlow degrees to their preſent importance; and in their progreſs made arts and commerce, the neceſſary attendants of liberty and equality, flouriſh in the kingdom [l].

WHAT ſufficiently proves, that the commencement of the houſe of burgeſſes, who are the true commons, was not an affair of chance, but aroſe from the neceſſities of the preſent ſituation, is, that Edward, at the very ſame time, ſummoned deputies from the inferior clergy, the firſt that ever met in England [m], and he required them to impoſe taxes on their conſtituents for the public ſervice. Formerly the eccleſiaſtical benefices bore no part of the burthens of the ſtate: The pope indeed of late had often levied impoſitions upon them: He had ſometimes granted this power to the ſovereign [n]: The king himſelf had in the preceding year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: But as this precedent was dangerous, and could not eaſily be repeated in a government which required the conſent of the ſubject to any extraordinary reſolution, Edward found it more prudent to aſſemble a lower houſe of con-

[l] See note [G] at the end of the volume.

[m] Archbiſhop Wake's State of the church of England, p. 235. Brady of Boroughs, p. 34. Gilbert's Hiſt. of the Exch. p. 46. T. Wykes, p. 99. 120.

[n] Ann. Waverl. p. 227, 228.

vocation,

vocation, to lay before them his neceſſities, and to aſk ſome ſupply. But on this occaſion he met with difficulties. Whether that the clergy thought themſelves the moſt independant body in the kingdom, or were diſguſted by the former exorbitant impoſitions, they abſolutely refuſed their aſſent to the king's demand of a fifth of their moveables; and it was not till a ſecond meeting, that, on their perſiſting in this refuſal, he was willing to accept of a tenth. The barons and knights granted him, without heſitation, an eleventh; the burgeſſes, a ſeventh. But the clergy ſtill ſcrupled to meet on the king's writ; leſt by ſuch an inſtance of obedience they ſhould ſeem to acknowledge the authority of the temporal power: And this compromiſe was at laſt fallen upon, that the king ſhould iſſue his writ to the archbiſhop; and that the archbiſhop ſhould, in conſequence of it, ſummon the clergy, who, as they then appeared to obey their ſpiritual ſuperior, no longer heſitated to meet in convocation. This expedient, however, was the cauſe, why the eccleſiaſtics were ſeparated into two houſes of convocation, under their ſeveral archbiſhops, and formed not one eſtate, as in other countries of Europe; which was at firſt the king's intention [o]. We now return to the courſe of our narration. CHAP. XIII. 1295.

EDWARD, conſcious of the reaſons of diſguſt which he had given to the king of Scots, informed of the diſpoſitions of that people, and expecting the moſt violent effects of their reſentment, which he knew he had ſo well merited; employed the ſupplies, granted him by his people, in making preparations againſt the hoſtilities of his northern neighbour. When in this ſituation, he received intelligence of the treaty ſecretly concluded between John and Philip; and though uneaſy at this concurrence of a French and Scottiſh war, he reſolved not

[o] Gilbert's Hiſt. of Exch. p. 51. 54.

CHAP. XIII.

to encourage his enemies by a pusillanimous behaviour, or by yielding to their united efforts. He summoned
1296. John to perform the duty of a vassal, and to send him a supply of forces against an invasion from France, with which he was then threatened: He next required, that the fortresses of Berwic, Jedborough, and Roxborough, should be put into his hands as a security during the war [p]: He cited John to appear in an English parliament to be held at Newcastle: And when none of these successive demands were complied with, he marched northward with numerous forces, 30,000 foot, and 4000 horse, to chastise his rebellious vassal. The Scottish nation, who had little reliance on the vigour and abilities of their prince, assigned him a council of twelve noblemen, in whose hands the sovereignty was really lodged [q], and who put the country in the best posture of which the present distractions would admit. A great army, composed of 40,000 infantry, though supported only by 500 cavalry, advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce, the father and son, the earls of March and Angus, prognosticating the ruin of their country, from the concurrence of intestine divisions and a foreign invasion, endeavoured here to ingratiate themselves with Edward, by an early submission; and the king, encouraged by this favourable incident, led his army into the enemies' country, and crossed the Tweed without opposition at
28th March. Coldstream. He then received a message from John, by which that prince, having now procured, for himself and his nation, pope Celestine's dispensation from former paths, renounced the homage which had been done to

[p] Rymer, vol. ii. p. 692. Walsing. p. 64. Heming. vol. i. p. 84. Trivet, p. 286.

[q] Heming. vol. i. p. 75.

England, and set Edward at defiance[r]. This bravado was but ill supported by the military operations of the Scots. Berwic was already taken by assault: Sir William Douglas, the governor, was made prisoner: Above 7000 of the garrison were put to the sword: And Edward, elated by this great advantage, dispatched earl Warrenne with 12,000 men, to lay siege to Dunbar, which was defended by the flower of the Scottish nobility. CHAP. XIII. 1296.

THE Scots, sensible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not dismayed at the great superiority of their number, marched out to give them battle. He attacked them with great vigour; and as undisciplined troops, when numerous, are but the more exposed to a panic upon any alarm, he soon threw them into confusion, and chased them off the field with great slaughter. The loss of the Scots is said to have amounted to 20,000 men: The castle of Dunbar, with all its garrison, surrendered next day to Edward, who, after the battle, had brought up the main body of the English, and who now proceeded with an assured confidence of success. The castle of Roxborough was yielded by James, steward of Scotland; and that nobleman, from whom is descended the royal family of Stuart, was again obliged to swear fealty to Edward. After a feeble resistance, the castles of Edinburgh and Stirling opened their gates to the enemy. All the southern parts were instantly subdued by the English; and to enable them the better to reduce the northern, whose inaccessible situation seemed to give them some more security, Edward sent for a strong reinforcement of Welsh and Irish, who, being 27th April.

[r] Rymer, vol. ii. p. 607. Walsing. p. 66. Heming. vol. i. p. 92.

accustomed

CHAP. XII.

1296. Scotland subdued.

accuſtomed to a deſultory kind of war, were the beſt fitted to purſue the fugitive Scots into the receſſes of their lakes and mountains. But the ſpirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, diſcontented with his own ſubjects, and over-awed by the Engliſh, abandoned all thoſe reſources, which his people might yet have poſſeſſed in this extremity. He haſtened to make his ſubmiſſions to Edward; he expreſſed the deepeſt penitence for his diſloyalty to his liege lord; and he made a ſolemn and irrevocable reſignation of his crown into the hands of that monarch [s]. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotchman approached him but to pay him ſubmiſſion and do him homage: Even the turbulent Highlanders, ever refractory to their own princes, and averſe to the reſtraint of laws, endeavoured to prevent the devaſtation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a ſeeming ſtate of tranquillity, returned to the ſouth with his army. There was a ſtone, to which the popular ſuperſtition of the Scots paid the higheſt veneration: All their kings were ſeated on it, when they received the rite of inauguration: An ancient tradition aſſured them, that, wherever this ſtone was placed, their nation ſhould always govern: And it was carefully preſerved at Scone, as the true palladium of their monarchy, and their ultimate reſource amidſt all their misfortunes. Edward got poſſeſſion of it; and carried it with him to England [t]. He gave orders to deſtroy the records, and all thoſe monuments of antiquity, which might preſerve the memory of the independance of the kingdom, and refute the Engliſh claims of ſuperiority. The Scots pretend, that he alſo deſtroyed all the annals

[s] Rymer, vol. ii. p. 718. Walſing. p. 67. Heming. vol. i. p. 99. Trivet, p. 292. [t] Walſing. p. 68. Trivet, p. 299.

preſerved

preſerved in their convents: But it is not probable, that a nation, ſo rude and unpoliſhed, ſhould be poſſeſſed of any hiſtory, which deſerves much to be regretted. The great ſeal of Baliol was broken; and that prince himſelf was carried priſoner to London, and committed to cuſtody in the Tower. Two years after, he was reſtored to liberty, and ſubmitted to a voluntary baniſhment in France; where, without making any farther attempts for the recovery of his royalty, he died in a private ſtation. Earl Warrenne was left governor of Scotland [u]: Engliſhmen were entruſted with the chief offices: And Edward, flattering himſelf that he had attained the end of all his wiſhes, and that the numerous acts of fraud and violence, which he had practiſed againſt Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England. CHAP. XIII. 1296.

War with France.

AN attempt, which he made about the ſame time, for the recovery of Guienne, was not equally ſucceſsful. He ſent thither an army of 7000 men, under the command of his brother the earl of Lancaſter. That prince gained at firſt ſome advantages over the French at Bourdeaux: But he was ſoon after ſeized with a diſtemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing conſiderable during the reſt of the campaign [w].

BUT the active and ambitious ſpirit of Edward, while his conqueſts brought ſuch conſiderable acceſſions to the Engliſh monarchy, could not be ſatisfied, ſo long as Guienne, the ancient patrimony of his family, was wreſted from him by the diſhoneſt artifices of the French monarch. Finding, that the diſtance of that province rendered all his efforts againſt it feeble and uncertain, he purpoſed to attack France in a quarter where ſhe appeared more vul-

[u] Rymer, vol. ii. p. 726. Trivet, p. 295, p. 72, 73, 74.

[w] Heming. vol. i.

nerable;

CHAP. XIII.

nerable; and with this view, he married his daughter, Elizabeth, to John earl of Holland, and at the same time contracted an alliance with Guy earl of Flanders, stipulated to pay him the sum of 75,000 pounds, and projected an invasion with their united forces upon Philip, their common enemy *. He hoped, that, when he himself, at the head of the English, Flemish, and Dutch armies, reinforced by his German allies, to whom he had promised or remitted considerable sums, should enter the frontiers of France, and threaten the capital itself, Philip would at last be obliged to relinquish his acquisitions, and purchase peace by the restitution of Guienne. But in order to set this great machine in movement, considerable supplies were requisite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth. The great and almost unlimited power of the king over the latter, enabled him to throw the heavier part of the burthen on them; and the prejudices, which he seems always to have entertained against the church, on account of the former zeal of the clergy for the Mountfort faction, made him resolve to load them with still more considerable impositions, and he required of them a fifth of their moveables. But he here met with an opposition, which for some time disconcerted all his measures, and engaged him in enterprizes, that were somewhat dangerous to *him*; and would have proved fatal to any of his predecessors.

1296.

Dissentions with the clergy.

BONIFACE VIII. who had succeeded Celestine in the papal throne, was a man of the most lofty and enterprizing spirit; and though not endowed with that severity of manners, which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to

* Rymer, vol. ii, p. 761. Walsing. p. 68.

as

as great a height as it had ever attained in any former period. Sensible that his immediate predecessors, by oppressing the church in every province of Christendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrate a pretence for laying like impositions on ecclesiastical revenues, he attempted to resume the former station of the sovereign pontiff, and to establish himself as the common protector of the spiritual order against all invaders. For this purpose, he issued very early in his pontificate a general bull, prohibiting all princes from levying without his consent any taxes upon the clergy, and all clergymen from submitting to such impositions; and he threatened both of them with the penalties of excommunication in case of disobedience [y]. This important edict is said to have been procured by the solicitation of Robert de Winchelsey archbishop of Canterbury, who intended to employ it as a rampart against the violent extortions, which the church had felt from Edward, and the still greater, which that prince's multiplied necessities gave them reason to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were mostly stocked with their cattle, and cultivated by their villains; the clergy took shelter under the bull of pope Boniface, and pleaded conscience in refusing compliance [z]. The king came not immediately to extremities on this repulse; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod, to confer with him upon his demand. The primate, not dismayed by these proofs of Edward's resolution, here plainly told him, that the clergy owed obedience to two sovereigns, their spiritual and their tempo-

CHAP. XIII. 1296.

y Rymer, vol. ii. p. 706. Heming. vol. i. p. 104. z Heming. vol. i. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii. p. 652.

ral;

CHAP. XIII.

ral; but their duty bound them to a much ſtricter attachment to the former than to the latter: They could

1296. not comply with his commands, (for ſuch, in ſome meaſure, the requeſts of the crown were then deemed) in contradiction to the expreſs prohibition of the ſovereign pontiff [a].

1297. THE clergy had ſeen in many inſtances, that Edward paid little regard to thoſe numerous privileges, on which they ſet ſo high a value. He had formerly ſeized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public ſervice [b]; and they could not but expect more violent treatment on this ſharp refuſal, grounded on ſuch dangerous principles. Inſtead of applying to the pope for a relaxation of his bull, he reſolved immediately to employ the power in his hands; and he told the eccleſiaſtics, that, ſince they refuſed to ſupport the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous meaſure was immediately carried into execution [c]. Orders were iſſued to the judges to receive no cauſe brought before them by the clergy; to hear and decide all cauſes in which they were defendants: To do every man juſtice againſt them; to do them juſtice againſt no body [d]. The eccleſiaſtics ſoon found themſelves in the moſt miſerable ſituation imaginable. They could not remain in their own houſes or convents for want of ſubſiſtence: If they went abroad, in queſt of maintenance, they were diſmounted, robbed of their horſes and cloaths, abuſed by every ruffian, and no redreſs could be obtained by them for the moſt violent injury. The primate himſelf was attacked on the highway,

[a] Heming. vol. i. p. 107. [b] Walſing. p. 65. Heming. vol. i. p. 51. [c] Walſing. p. 69. Heming. vol. i. p. 107.
[d] M. Weſt. p. 429.

was

was stripped of his equipage and furniture, and was at last reduced to board himself with a single servant in the house of a country clergyman [f]. The king, mean while, remained an indifferent spectator of all these violences; and without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded: While Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and enure themselves to throw off that respect for the sacred order, by which they had so long been overawed and governed. CHAP. XIII. 1297.

The spirits of the clergy were at last broken by this harsh treatment. Besides that the whole province of York, which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first, voted a fifth of their moveables; the bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their dioceses; and they agreed, not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposit a sum equivalent in some church appointed them; whence it was taken by the king's officers [g]. Many particular convents and clergymen made payment of a like sum, and received the king's protection [h]. Those who had not ready money, entered into recognizances for the payment. And there was scarcely found one ecclesiastic in the kingdom, who seemed willing to suffer, for the sake of religious privileges, this new species of martyrdom, the most tedious and languishing of any, the most mortifying to spiritual

f Heming. vol. i. p. 109. g Heming. vol. i. p. 108, 109. Chron. Dunst. p. 653. h Chron. Dunst. vol. ii. p. 654.

pride,

CHAP. XIII. 1297.

pride, and not rewarded by that crown of glory, which the church holds up, with such ostentation, to her devoted adherents.

Arbitrary measures.

But as the money, granted by parliament, though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the obtaining of farther supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be above the third of the value [i]. He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit [k]: He required the sheriffs of each county to supply him with 2000 quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them: The cattle and other commodities, necessary for supplying his army, were laid hold of without the consent of the owners [l]: And though he promised to pay afterwards the equivalent of all these goods, men saw but little probability that a prince, who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements. He showed at the same time an equal disregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to encrease his army, and enable him to support that great effort, which he intended to make against France, he required the attendance of every proprietor of land, possessed of twenty pounds a year, even though he held not of the

i Walsing. p. 69. Trivet, p. 296.
l Heming. vol. i. p. 111.
k Heming. vol. i. p. 52. 119.

crown,

crown, and was not obliged by his tenure to perform any such service [m]. CHAP. XIII.

THESE acts of violence and of arbitrary power, notwithstanding the great personal regard generally borne to the king, bred murmurs in every order of men; and it was not long, ere some of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to these complaints. Edward assembled on the sea-coast an army, which he purposed to send over to Gascony, while he himself should in person make an impression on the side of Flanders; and he intended to put these forces under the command of Humphrey Bohun, earl of Hereford, the constable, and Roger Bigod, earl of Norfolk, the Mareschal of England. But these two powerful earls refused to execute his commands, and affirmed, that they were only obliged by their office to attend his person in the wars. A violent altercation ensued; and the king, in the height of his passion, addressing himself to the constable, exclaimed, *Sir earl, by God, you shall either go or hang. By God, Sir King*, replied Hereford, *I will neither go nor hang* [n]. And he immediately departed, with the mareschal, and above thirty other considerable barons. 1297.

Upon this opposition, the king laid aside the project of an expedition against Guienne; and assembled the forces, which he himself purposed to transport into Flanders. But the two earls, irritated in the contest and elated by impunity, pretending that none of their ancestors had ever served in that country, refused to perform the duty of their office in mustering the army [o]. The king, now finding it adviseable to proceed with moderation, instead of attainting the earls, who possessed their dignities by hereditary right, appointed Thomas de Berke-

[m] Walsing. p. 69. [n] Heming. vol. i. p. 112.
[o] Rymer, vol. ii. p. 783. Walsing. p. 70.

CHAP. XIII. 1297.

ley, and Geoffrey de Geyneville, to act in that emergence, as conſtable and mareſchal [p]. He endeavoured to reconcile himſelf with the church; took the primate again into favour [q]; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his abſence; and he even aſſembled a great number of the nobility in Weſtminſter-hall, to whom he deigned to make an apology for his paſt conduct. He pleaded the urgent neceſſities of the crown; his extreme want of money; his engagements from honour as well as intereſt to ſupport his foreign allies: And he promiſed, if ever he returned in ſafety, to redreſs all their grievances, to reſtore the execution of the laws, and to make all his ſubjects compenſation for the loſſes which they had ſuſtained. Meanwhile, he begged them to ſuſpend their animoſities; to judge of him by his future conduct, of which, he hoped, he ſhould be more maſter; to remain faithful to his government, or if he periſhed in the preſent war, to preſerve their allegiance to his ſon and ſucceſſor [r].

THERE were certainly, from the concurrence of diſcontents among the great, and grievances of the people, materials ſufficient, in any other period, to have kindled a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity, in ſtopping on the brink of danger, and retracting the meaſures, to which he had been puſhed by his violent temper and arbitrary principles, ſaved the nation from ſo great a calamity. The two great earls dared not to break out into open violence: They proceeded no farther than framing a remonſtrance, which was delivered to the king at Winchelſea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and

[p] M. Weſt. p. 430.
[q] Heming. vol. i. p. 113.
[r] Heming. vol. i. p. 114. M. Weſt. p. 430.

that

that of forests; the violent seizure of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances [s]. The king told them, that the greater part of his council were now at a distance, and without their advice he could not deliberate on measures of so great importance [t]. CHAP. XIII. 1297.

Differences with the barons.

But the constable and mareschal, with the barons of their party, resolved to take advantage of Edward's absence, and to obtain an explicite assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody [u]. The primate, who secretly favoured all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however, were moderate; and such as sufficiently justify the purity of their intentions in all their past measures: They only required, that the two charters should receive a solemn confirmation; that a clause should be added to secure the nation for ever against all impositions and taxes without consent of parliament; and that they themselves and their adherents, who had refused to attend the king into Flanders, should be pardoned for the offence, and should be again received into favour [w]. The prince of Wales and his council assented to these terms; and the charters were sent over to the king in Flanders to be there confirmed by him. Edward felt the

[s] Walsing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302.
[t] Walsing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304.
[u] Heming. vol. i. p. 138. [w] Walsing. p. 73. Heming. vol. i. p. 138, 139, 140, 141. Trivet, p. 308.

CHAP. XIII.

1297. utmoſt reluctance to this meaſure, which, he apprehended, would for the future impoſe fetters on his conduct, and ſet limits to his lawleſs authority. On various pretences, he delayed three days giving any anſwer to the deputies; and when the pernicious conſequences of his refuſal were repreſented to him, he was at laſt obliged, after many internal ſtruggles, to affix his ſeal to the charters, as alſo to the clauſe that bereaved him of the power, which he had hitherto aſſumed, of impoſing arbitrary taxes upon the people [x].

THAT we may finiſh at once this intereſting tranſaction concerning the ſettlement of the charters, we ſhall briefly mention the ſubſequent events which relate to it. The conſtable and mareſchal, informed of the king's compliance, were ſatisfied; and not only ceaſed from diſturbing the government, but aſſiſted the regency with their power againſt the Scots, who had riſen in arms, and had thrown off the yoke of England [y]. But being ſenſible, that the ſmalleſt pretence would ſuffice to make Edward retract theſe deteſted laws, which, though they had often received the ſanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have ſufficient validity; they inſiſted, that he ſhould again confirm them on his return to England, and ſhould thereby renounce all plea which he might derive from his reſiding in a foreign country, when he formerly affixed his ſeal to them [z]. It appeared, that they judged aright of Edward's character and intentions: He delayed this confirmation as long as poſſible; and when the fear of worſe conſequences obliged him again to comply, he expreſsly added a ſalvo for his royal dignity or prerogative, which in effect enervated the whole

[x] Walſing. p. 74. Heming. vol. i. p. 143. [y] Heming. vol. i. p. 143. [z] Heming. vol. i. p. 159.

force

force of the charters [a]. The two earls and their adherents left the parliament in disgust; and the king was constrained, on a future occasion, to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws [b], which were so much the object of their passionate affection. Even farther securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing, by fine and imprisonment, every transgression or violation of the charters [c]: A precaution, which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment, which the English in that age bore to liberty, and their well-grounded jealousy of the arbitrary disposition of Edward. CHAP. XIII. 1297.

THE work, however, was not yet entirely finished and complete. In order to execute the lesser charter, it was requisite, by new perambulations, to set bounds to the royal forests, and to disafforest all land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence [d], on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his forests [e]. Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it

a Heming. vol. i. p. 167, 168. b Heming. vol. i. p. 168.

c Hemingford, vol. i. p. 170. d Walsing. p. 80. We are told by Tyrrel, vol. ii. p. 145. from the Chronicle of St. Albans, that the barons not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester: But no other historian mentions this particular.

e Heming. vol. i. p. 171. M. West. p. 431. 433.

CHAP. XIII.

is not likely that those concessions could ever have been extorted from him.

1297. But while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges; they were surprized in 1305 to find, that Edward had secretly applied to Rome, and had procured, from that mercenary court, an absolution from all the oaths and engagements, which he had so often reiterated, to observe both the charters. There are some historians [f] so credulous as to imagine, that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors, on pretence of any force or violence which had been imposed upon him. But besides, that this might have been done with a better grace, if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinements in patriotism; and this very deed itself, in which he anew confirmed the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still took advantage of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention, and to reserve to himself the power, in case of favourable incidents, to extend as much as formerly those arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude, that the favourable incidents did not offer.

Thus, after the contests of near a whole century, and these ever accompanied with violent jealousies, often with public convulsions, the Great Charter was finally esta-

[f] Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

bliſhed; and the Engliſh nation have the honour of extorting, by their perſeverance, this conceſſion from the ableſt, the moſt warlike, and the moſt ambitious of all their princes [i]. It is computed, that above thirty confirmations of the charter were at different times required of ſeveral kings, and granted by them, in full parliament; a precaution, which, while it diſcovers ſome ignorance of the true nature of law and government, proves a laudable jealouſy of national privileges in the people, and an extreme anxiety, leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find, that, though arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the Great Charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of Engliſh government, and the ſure rule by which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the Star-chamber, martial law, impriſonment by warrants from the privy-council, and other practices of a like nature, though eſtabliſhed for ſeveral centuries, were ſcarcely ever allowed by the Engliſh to be parts of their conſtitution: The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning: The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fulneſs of time, ſolemnly aboliſhed, as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period from which this account of the charters has led us: Though the king's impatience to appear at the head of his armies in Flanders made him

[i] It muſt however be remarked, that the king never forgave the chief actors in this tranſaction, and he found means afterwards to oblige both the conſtable and mareſchal to reſign their offices into his hands. The former received a new grant of it: But the office of mareſchal was given to Thomas of Brotherton, the king's ſecond ſon.

CHAP. XIII.

overlook all considerations, either of domestic discontents or of commotions among the Scots; his embarkation had

1297. been so long retarded by the various obstructions thrown in his way, that he lost the proper season for action, and after his arrival made no progress against the enemy. The king of France, taking advantage of his absence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himself master of Lisle, St. Omer, Courtrai, and Ypres; and seemed in a situation to take full vengeance on the earl of Flanders, his rebellious vassal. But Edward, seconded by an English army of 50,000 men (for this is the number assigned by historians [k]) was able to stop the career of his victories; and Philip, finding all the weak resources of his kingdom already exhausted, began to dread a reverse of fortune, and to apprehend an invasion on France itself. The king of England, on the other hand, disappointed of assistance from Adolph, king of the Romans, which he had purchased at a very high price, and finding many urgent calls for his presence in England, was desirous of ending on any honourable terms a war, which served only to divert his force from the execution of more important projects. This disposition in both monarchs soon produced a cessation of hostilities for two years; and engaged them to submit their differences to the arbitration of pope Boniface.

1298. BONIFACE was among the last of the sovereign pontiffs that exercised an authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past, involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been

[k] Heming. vol. i. p. 146.

secretly

secretly abandoned, though never openly relinquished, by his successors in the apostolic chair. Edward and Philip, equally jealous of papal claims, took care to insert in their reference, that Boniface was made judge of the difference by their consent, as a private person, not by any right of his pontificate; and the pope, without seeming to be offended at this mortifying clause, proceeded to give a sentence between them, in which they both acquiesced [l]. He brought them to agree, that their union should be cemented by a double marriage; that of Edward himself, who was now a widower, with Margaret, Philip's sister, and that of the prince of Wales, with Isabella, daughter of that monarch [m]. Philip was likewise willing to restore Guienne to the English, which he had indeed no good pretence to detain; but he insisted, that the Scots and their king, John Baliol, should, as his allies, be comprehended in the treaty, and should be restored to their liberty. The difference, after several disputes, was compromised, by their making mutual sacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip should treat in like manner his ally the king of Scots. The prospect of conquering these two countries, whose situation made them so commodious an acquisition to the respective kingdoms, prevailed over all other considerations; and though they were both finally disappointed in their hopes, their conduct was very reconcilable to the principles of an interested policy. This was the first specimen which the Scots had of the French alliance, and which was exactly conformable to what a smaller power must always expect, when it blindly attaches itself to the will and fortunes of a greater. That unhappy people, now engaged in a brave, though unequal contest for their liberties, were

CHAP. XIII. 1298.

Peace with France.

[l] Rymer, vol. ii. p. 817. Heming. vol. i. p. 149. Trivet, p. 310.
[m] Rymer, vol. ii. p. 823.

totally

CHAP. XIII. 1298.

totally abandoned by the ally, in whom they repoſed their final confidence, to the will of an imperious conqueror.

Revolt of Scotland.

THOUGH England, as well as other European countries, was, in its ancient ſtate, very ill qualified for making, and ſtill worſe for maintaining conqueſts, Scotland was ſo much inferior in its internal force, and was ſo ill ſituated for receiving foreign ſuccours, that it is no wonder Edward, an ambitious monarch, ſhould have caſt his eye on ſo tempting an acquiſition, which brought both ſecurity and greatneſs to his native country. But the inſtruments, whom he employed to maintain his dominion over the northern kingdom, were not happily choſen; and acted not with the requiſite prudence and moderation, in reconciling the Scottiſh nation to a yoke, which they bore with ſuch extreme reluctance. Warrenne, retiring into England, on account of his bad ſtate of health, left the adminiſtration entirely in the hands of Ormeſby, who was appointed juſticiary of Scotland, and Creſſingham, who bore the office of treaſurer; and a ſmall military force remained, to ſecure the precarious authority of thoſe miniſters. The latter had no other object than the amaſſing of money by rapine and injuſtice: The former diſtinguiſhed himſelf by the rigour and ſeverity of his temper: And both of them, treating the Scots as a conquered people, made them ſenſible, too early, of the grievous ſervitude into which they had fallen. As Edward required, that all the proprietors of land ſhould ſwear fealty to him; every one, who refuſed or delayed giving this teſtimony of ſubmiſſion, was outlawed and impriſoned, and puniſhed without mercy; and the braveſt and moſt generous ſpirits of the nation were thus exaſperated to the higheſt degree againſt the Engliſh government [n].

[n] Walſing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299.

THERE

CHAP. XIII.

1298.

THERE was one William Wallace, of a ſmall fortune, but deſcended of an ancient family, in the weſt of Scotland, whoſe courage prompted him to undertake, and enabled him finally to accompliſh, the deſperate attempt of delivering his native country from the dominion of foreigners. This man, whoſe valorous exploits are the object of juſt admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the inſolence of an Engliſh officer to put him to death; and finding himſelf obnoxious on that account to the ſeverity of the adminiſtration, he fled into the woods, and offered himſelf as a leader to all thoſe whom their crimes, or bad fortune, or avowed hatred of the Engliſh, had reduced to a like neceſſity. He was endowed with gigantic force of body, with heroic courage of mind, with diſintereſted magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the ſeverities of the ſeaſons; and he ſoon acquired, among thoſe deſperate fugitives, that authority, to which his virtues ſo juſtly intitled him. Beginning with ſmall attempts, in which he was always ſucceſsful, he gradually proceeded to more momentous enterprizes; and he diſcovered equal caution in ſecuring his followers, and valour in annoying the enemy. By his knowledge of the country, he was enabled, when purſued, to enſure a retreat among the moraſſes or foreſts or mountains; and again, collecting his diſperſed aſſociates, he unexpectedly appeared in another quarter, and ſurprized and routed and put to the ſword the unwary Engliſh. Every day brought accounts of his great actions, which were received with no leſs favour by his countrymen than terror by the enemy: All thoſe, who thirſted after military fame, were deſirous to partake of his renown: His ſucceſsful valour ſeemed to vindicate the nation from the ignominy, into which it had fallen, by its tame ſubmiſſion to the Engliſh: And though no nobleman of note ventured as yet to join his party,

CHAP. XIII.

1298.

party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

WALLACE, having, by many fortunate enterprizes, brought the valour of his followers to correspond to his own, resolved to strike a decisive blow against the English government; and he concerted the plan of attacking Ormesby at Scone, and of taking vengeance on him, for all the violence and tyranny, of which he had been guilty. The justiciary, apprized of his intentions, fled hastily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots, who betook themselves to arms in every quarter: Many of the principal barons, and among the rest Sir William Douglas [o], openly countenanced Wallace's party: Robert Bruce secretly favoured and promoted the same cause: And the Scots, shaking off their fetters, prepared themselves to defend, by an united effort, that liberty which they had so unexpectedly recovered from the hands of their oppressors.

BUT Warrenne, collecting an army of 40,000 men in the north of England, determined to re-establish his authority; and he endeavoured, by the celerity of his armament and of his march, to compensate for his past negligence, which had enabled the Scots to throw off the English government. He suddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themselves in a posture of defence. Many of the Scottish nobles, alarmed with their dangerous situation, here submitted to the English, renewed their oaths of fealty, promised to deliver hostages for their good behaviour, and received a pardon for past offences [p]. Others who had not yet declared themselves, such as the steward of Scotland and the

[o] Walsing. p. 70. Heming. vol. i. p. 118.

[p] Heming. vol. i. p. 121, 122.

earl

earl of Lenox, joined, though with reluctance, the Engliſh army; and waited a favourable opportunity for embracing the cauſe of their diſtreſſed countrymen. But Wallace, whoſe authority over his retainers was more fully confirmed by the abſence of the great nobles, perſevered obſtinately in his purpoſe; and finding himſelf unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the ſituation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuſkenneth, on the oppoſite banks of the Forth; and being continually urged by the impatient Creſſingham, who was actuated both by perſonal and national animoſities againſt the Scots [q], he prepared to attack them in that poſition, which Wallace, no leſs prudent than courageous, had choſen for his army [r]. In ſpite of the remonſtrances of Sir Richard Lundy, a Scotchman of birth and family, who ſincerely adhered to the Engliſh, he ordered his army to paſs a bridge which lay over the Forth; but he was ſoon convinced, by fatal experience, of the error of his conduct. Wallace, allowing ſuch numbers of the Engliſh to paſs as he thought proper, attacked them before they were fully formed, put them to rout, puſhed part of them into the river, deſtroyed the reſt by the edge of the ſword, and gained a complete victory over them [s]. Among the ſlain was Creſſingham himſelf, whoſe memory was ſo extremely odious to the Scots, that they flea'd his dead body, and made ſaddles and girths of his ſkin [t]. Warrenne, finding the remainder of his army much diſmayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The caſtles of

CHAP. XIII. 1298.

[q] Heming. vol. i. p. 127.
[r] On the 11th of September 1297.
[s] Walſing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 307.
[t] Heming. vol. i. p. 130.

Roxborough

CHAP. XIII.

Roxborough and Berwic, ill fortified and feebly defended, fell ſoon after into the hands of the Scots.

1298. WALLACE, univerſally revered as the deliverer of his country, now received, from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding that the diſorders of war, as well as the unfavourable ſeaſons, had produced a famine in Scotland, he urged his army to march into England, to ſubſiſt at the expence of the enemy, and to revenge all paſt injuries, by retaliating on that hoſtile nation. The Scots, who deemed every thing poſſible under ſuch a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter ſeaſon, laid every place waſte with fire and ſword; and after extending on all ſides, without oppoſition, the fury of his ravages, as far as the biſhopric of Durham, he returned, loaded with ſpoils, and crowned with glory, into his own country [u]. The diſorders, which at that time prevailed in England, from the refractory behaviour of the conſtable and mareſchal, made it impoſſible to collect an army ſufficient to reſiſt the enemy, and expoſed the nation to this loſs and diſhonour.

BUT Edward, who received in Flanders intelligence of theſe events, and had already concluded a truce with France, now haſtened over to England, in certain hopes, by his activity and valour, not only of wiping off this diſgrace, but of recovering the important conqueſt of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeaſed the murmurs of his people by conceſſions and promiſes: He reſtored to the citizens of London the election of their own magiſtrates, of which they had been bereaved in the later part of his father's reign: He ordered ſtrict enquiry to be made concerning the corn and other goods, which had been

[u] Heming. vol. i. p. 131, 132, 133.

violently

violently seized before his departure, as if he intended to pay the value to the owners [w]: And making public professions of confirming and observing the charters, he regained the confidence of the discontented nobles. Having by all these popular arts rendered himself entirely master of his people, he collected the whole military force of England, Wales, and Ireland; and marched with an army of near a hundred thousand combatants to the northern frontiers. CHAP. XIII. 1298.

NOTHING could have enabled the Scots to resist, but for one season, so mighty a power, except an entire union among themselves; but as they were deprived of their king, whose personal qualities, even when he was present, appeared so contemptible, and had left among his subjects no principle of attachment to him or his family; factions, jealousies, and animosities unavoidably arose among the great, and distracted all their councils. The elevation of Wallace, though purchased by so great merit, and such eminent services, was the object of envy to the nobility, who repined to see a private gentleman raised above them by his rank, and still more by his glory and reputation. Wallace himself, sensible of their jealousy, and dreading the ruin of his country from those intestine discords, voluntarily resigned his authority, and retained only the command over that body of his followers, who, being accustomed to victory under his standard, refused to follow into the field any other leader. The chief power devolved on the steward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to serve in defence of their country. The two Scottish commanders, collecting their several forces from every quarter, fixed their station at Falkirk, and purposed there to abide the assault of the English. Wallace was at the head of a third body,

[w] Rymer, vol. ii. p. 813.

which

CHAP. XIII.

1298.

which acted under his command. The Scottish army placed their pikemen along their front: Lined the intervals between the three bodies with archers: And dreading the great superiority of the English in cavalry, endeavoured to secure their front by palisadoes, tied together by ropes [x]. In this disposition, they expected the approach of the enemy.

22d July. Battle of Falkirk.

THE king, when he arrived in sight of the Scots, was pleased with the prospect of being able, by one decisive stroke, to determine the fortune of the war; and dividing his army also into three bodies, he led them to the attack. The English archers, who began about this time to surpass those of other nations, first chased the Scottish bowmen off the field; then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, threw them into disorder, and rendered the assault of the English pikemen and cavalry more easy and successful. The whole Scottish army was broken, and chased off the field with great slaughter; which the historians, attending more to the exaggerated relations of the populace, than to the probability of things, make amount to fifty or sixty thousand men [y]. It is only certain, that the Scots never suffered a greater loss in any action, nor one which seemed to threaten more inevitable ruin to their country.

In this general rout of the army, Wallace's military skill and presence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leisurely along the banks of that small river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aspiring genius, but who served hitherto in the English army, appeared on the op-

x Walsing. p. 75. Heming. vol. i. p. 163.

y Walsing. p. 76. T. Wykes, p. 127. Heming. vol. i. p. 163, 164, 165. Trivet, p. 313, says only 20,000. M. West. p. 431, says 40,000.

posite

posite banks; and distinguishing the Scottish chief, as well by his majestic port, as by the intrepid activity of his behaviour, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprize in which he was engaged; and endeavoured to bend his inflexible spirit to submission under superior power and superior fortune: He insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for protracting the war, or for pushing it with vigour and activity: If the love of his country were his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect, that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the pre-eminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration, than as a reproach and injury to themselves. To these exhortations Wallace replied, that, if he had hitherto acted alone, as the champion of his country, it was solely because no second or competitor, or what he rather wished, no leader had yet appeared to place himself in that honourable station: That the blame lay entirely on the nobility, and chiefly on Bruce himself, who, uniting personal merit to dignity of family, had deserted the post, which both nature and fortune, by such powerful calls, invited him to assume: That the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now laboured, and might hope, notwithstanding their present losses, to oppose successfully all the power and abilities of Edward: That Heaven itself

CHAP. XIII. 1298.

CHAP. XIII.

could not set a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquisition of royalty with the defence of national independance: And that as the interests of his country, more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong, not her misery, but her freedom, and was desirous, that his own life, as well as the existence of the nation, might terminate, when they could no otherwise be preserved than by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed enemy, struck the generous mind of Bruce: The flame was conveyed from the breast of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path, pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country [z].

1298.

1299. THE subjection of Scotland, notwithstanding this great victory of Edward, was not yet entirely completed. The English army, after reducing the southern provinces, was obliged to retire for want of provisions; and left the northern counties in the hands of the natives. The Scots, no less enraged at their present defeat, than elated by their past victories, still maintained the contest for liberty; but being fully sensible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful with the court of Rome. Boniface, pleased with an occasion of exerting

[z] This story is told by all the Scotch writers; though it must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

his

his authority, wrote a letter to Edward, exhorting him to put a ſtop to his oppreſſions on Scotland, and diſplaying all the proofs, ſuch as they had probably been furniſhed him by the Scots themſelves, for the ancient independance of that kingdom [a]. Among other arguments, hinted at above, he mentioned the treaty conducted and finiſhed by Edward himſelf, for the marriage of his ſon with the heireſs of Scotland; a treaty which would have been abſurd, had he been ſuperior lord of the kingdom, and had poſſeſſed by the feudal law the right of diſpoſing of his ward in marriage. He mentioned ſeveral other ſtriking facts, which fell within the compaſs of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expreſsly declared in his preſence, that he ſwore fealty not for his crown, but for the lands which he held in England: And the pope's letter might have paſſed for a reaſonable one, had he not ſubjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a ſingular confidence, he aſſerted to be full, entire, and derived from the moſt remote antiquity. The affirmative ſtyle, which had been ſo ſucceſsful with him and his predeceſſors in ſpiritual conteſts, was never before abuſed after a more egregious manner in any civil controverſy.

CHAP. XIII.

1300. Scotland again ſubdued.

THE reply, which Edward made to Boniface's letter, contains particulars, no leſs ſingular and remarkable [b]. He there proves the ſuperiority of England by hiſtorical facts, deduced from the period of Brutus, the Trojan, who, he ſaid, founded the Britiſh monarchy in the age of Eli and Samuel: He ſupports his poſition by all the events which paſſed in the iſland before the arrival of the Romans: And after laying great ſtreſs on the extenſive dominions

1302.

[a] Rymer, vol. ii. p. 844. [b] Ibid. p. 863.

CHAP. XIII.

and heroic victories of king Arthur, he vouchsafes at last to descend to the time of Edward the elder, with which,

1301. in his speech to the states of Scotland, he had chosen to begin his claim of superiority. He asserts it to be a fact, *notorious and confirmed by the records of antiquity*, that the English monarchs had often conferred the kingdom of Scotland on their own subjects; had dethroned these vassal kings when unfaithful to them; and had substituted others in their stead. He displays with great pomp the full and complete homage which William had done to Henry II.; without mentioning the formal abolition of that *extorted* deed by king Richard, and the renunciation of all future claims of the same nature. Yet this paper he begins with a solemn appeal to the Almighty, the searcher of hearts, for his own firm persuasion of the justice of his claim; and no less than a hundred and four barons, assembled in parliament at Lincoln, concur, in maintaining before the pope, under their seals, the validity of these pretensions[c]. At the same time, however, they take care to inform Boniface, that, though they had justified their cause before him, they did not acknowledge him for their judge: The crown of England was free and sovereign: They had sworn to maintain all its royal prerogatives, and would never permit the king himself, were he willing, to relinquish its independancy.

1302. THAT neglect, almost total, of truth and justice, which sovereign states discover in their transactions with each other, is an evil universal and inveterate; is one great source of the misery to which the human race is continually exposed; and it may be doubted, whether in many instances it be found in the end to contribute to the interests of those princes themselves, who thus sacrifice

[c] Rymer, vol. ii. p. 873. Walsing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. West. p. 443.

their

their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity, than Edward in his tranſactions with Scotland; ſo never were they violated with leſs ſcruple and reſerve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once rouſed to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious monarch. They choſe John Cummin for their regent; and not content with maintaining their independance in the northern parts, they made incurſions into the ſouthern counties, which, Edward imagined, he had totally ſubdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppoſe them; and lying at Roſlin near Edinburgh, ſent out his forces in three diviſions, to provide themſelves with forage and ſubſiſtence from the neighbourhood. One party was ſuddenly attacked by the regent and Sir Simon Fraſer; and being unprepared, was immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy: The ſoldiers ran to their arms: And were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them: The Engliſh, animated with a thirſt of vengeance, maintained a ſtout reſiſtance: The victory was long undecided between them; but at laſt declared itſelf entirely in favour of the former, who broke the Engliſh, and chaced them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions; moſt of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they ſo tranſported with ſucceſs and

CHAP. XIII.

1302. Scotland again revolts.

1303. 24th Feb.

CHAP. XIII.

1303. military rage, that, having suddenly recovered their order, and arming the followers of their camp with the spoils of the slaughtered enemy, they drove with fury upon the ranks of the dismayed English. The favourable moment decided the battle; which the Scots, had they met with a steady resistance, were not long able to maintain: The English were chaced off the field: Three victories were thus gained in one day [d]: And the renown of these great exploits, seconded by the favourable dispositions of the people, soon made the regent master of all the fortresses in the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

THE king prepared himself for this enterprize with his usual vigour and abilities. He assembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force, which the enemy could not think of resisting in the open field: The English navy, which sailed along the coast, secured the army from any danger of famine: Edward's vigilance preserved it from surprizes: And by this prudent disposition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the castles [e], and receiving the submissions of all the nobility, even those of Cummin the regent. The most obstinate resistance was made by the castle of Brechin, defended by Sir Thomas Maule; and the place opened not its gates, till the death of the governor, by discouraging the garrison, obliged them to submit to the fate, which had overwhelmed the rest of the kingdom. Wallace, though he attended the English army in their march, found but few opportunities of signalizing that valour, which had formerly made him so terrible to his enemies.

He again subdued.

[d] Heming. vol. i. p. 197. [e] Ibid. p. 205.

EDWARD,

CHAP. XIII.

EDWARD, having completed his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives: He abrogated all the Scottiſh laws and cuſtoms[f]: He endeavoured to ſubſtitute the Engliſh in their place: He entirely razed or deſtroyed all the monuments of antiquity: Such records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed: And he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally in the Engliſh. 1304.

EDWARD, however, ſtill deemed his favourite conqueſt 1305.
expoſed to ſome danger, ſo long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt, that hardy warrior, who was determined, amidſt the univerſal ſlavery of his countrymen, ſtill to maintain his independancy, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whoſe natural bravery and magnanimity ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome acts of violence committed by Wallace during the fury of war, reſolved to overawe the Scots by an example of ſeverity: He ordered Wallace to be carried in chains to London; to be 23d Auguſt.
tried as a rebel and traitor, though he had never made ſubmiſſions or ſworn fealty to England; and to be executed on Tower-hill. This was the unworthy fate of a hero, who, through a courſe of many years, had, with ſignal conduct, intrepidity, and perſeverance, defended,

[f] Ryley, p. 506.

CHAP. XIII.

against a public and oppreſſive enemy, the liberties of his native country.

1305. But the barbarous policy of Edward failed of the purpoſe to which it was directed. The Scots, already diſguſted at the great innovations introduced by the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and all the envy, which, during his life-time, had attended that gallant chief, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independancy. The people, inflamed with reſentment, were every where diſpoſed to riſe againſt the Engliſh government; and it was not long ere a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance.

1306. Robert Bruce. Robert Bruce, grandſon of that Robert, who had been one of the competitors for the crown, had ſucceeded, by his grandfather's and father's death, to all their rights; and the demiſe of John Baliol, together with the captivity of Edward, eldeſt ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw, that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies: He had meanly reſigned his crown into the hands of the conqueror: He had, before his deliverance from captivity, re-iterated that reſignation in a manner ſeemingly voluntary; and had in that deed thrown out many reflections extremely

extremely dishonourable to his ancient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no farther correspondence[h]: He had, during the time of his exile, adhered strictly to that resolution; and his son, being a prisoner, seemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped, that the Scots, so long exposed, from the want of a leader, to the oppressions of their enemies, would unanimously fly to his standard, and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervor of youth, and buoyed up by his natural courage, saw the glory alone of the enterprize, or regarded the prodigious difficulties, which attended it, as the source only of farther glory. The miseries and oppressions, which he had beheld his countrymen suffer in their unequal contest; the repeated defeats and misfortunes, which they had undergone; proved to him so many incentives to bring them relief, and conduct them to vengeance against the haughty victor. The circumstances, which attended Bruce's first declaration, are variously related; but we shall rather follow the account given by the Scottish historians; not that their authority is in general any-wise comparable to that of the English; but because they may be supposed sometimes better informed concerning facts, which so nearly interested their own nation.

CHAP. XIII. 1306.

Bruce, who had long harboured in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Cummin, a powerful nobleman, with whom he lived in strict intimacy. He found his friend, as he imagined, fully possessed with the same sentiments; and he needed to employ no arts of persuasion to make him embrace the resolution of throwing off, on the first fa-

[h] Brady's hist. vol. ii. App. No. 27.

vourable

CHAP. XIII.

vourable opportunity, the usurped dominion of the English. But on the departure of Bruce, who attended

1306. Edward to London, Cummin, who either had all along dissembled with him, or began to reflect more coolly in his absence on the desperate nature of the undertaking, resolved to atone for his crime in assenting to this rebellion, by the merit of revealing the secret to the king of England. Edward did not immediately commit Bruce to custody; because he intended, at the same time, to seize his three brothers, who resided in Scotland; and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidst so many jealous eyes, to hold any conversation with him, he fell on an expedient to give him warning, that it was full time he should make his escape. He sent him, by a servant, a pair of gilt spurs and a purse of gold, which he pretended to have borrowed from him; and left it to the sagacity of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes inverted, that he might deceive those, who should track his path over the open fields or cross roads, through which he purposed to travel. He arrived in a few days at Dumfries in Annandale, the chief seat of his family interest; and he happily found a great number of the Scottish nobility there assembled, and among the rest, John Cummin, his former associate.

th Feb. THE noblemen were astonished at the appearance of Bruce among them; and still more when he discovered to them the object of his journey. He told them, that he was come to live or die with them in defence of the liberties

berties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities, which it had so long suffered from the tyranny of their imperious masters: That the sacrifice of the rights of his family was the first injury, which had prepared the way for their ensuing slavery; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their ancient and hereditary independance: That all past misfortunes had proceeded from their disunion; and they would soon appear no less formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory: That their mountains and their valour, which had, during so many ages, protected their liberty from all the efforts of the Roman empire, would still be sufficient, were they worthy of their generous ancestors, to defend them against the utmost violence of the English tyrant: That it was unbecoming men, born to the most ancient independance known in Europe, to submit to the will of any masters; but fatal to receive those, who, being irritated by such persevering resistance, and inflamed with the highest animosity, would never deem themselves secure in their usurped dominion but by exterminating all the ancient nobility, and even all the ancient inhabitants: And that, being reduced to this desperate extremity, it were better for them at once to perish, like brave men, with swords in their hands, than to dread long, and at last undergo, the fate of the unfortunate Wallace, whose merits, in the brave and obstinate defence of his country, were finally rewarded by the hands of an English executioner.

CHAP. XIII. 1306.

THE spirit with which this discourse was delivered, the bold sentiments which it conveyed, the novelty of Bruce's declaration, assisted by the graces of his youth and

CHAP. XIII.

1306. and manly deportment, made deep impreſſion on the minds of his audience, and rouzed all thoſe principles of indignation and revenge, with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce, in aſſerting his and their undoubted rights, againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the king, oppoſed this general determination; and by repreſenting the great power of England, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction, which they muſt expect, if they again violated their oaths of fealty, and ſhook off their allegiance to the victorious Edward [1]. Bruce, already apprized of his treachery, and foreſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and moved partly by reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloyſters of the Grey Friars through which he paſſed, and running him through the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, aſking him ſoon after, if the traitor were ſlain; *I believe ſo*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will ſecure him.* Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances juſtly condemned by our preſent manners, was regarded in that age, as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill wear, a hand with a bloody dagger; and choſe for their motto theſe words, *I will ſecure*

[1] M. Weſt. p. 453.

him;

him; the expreſſion employed by their anceſtor, when he executed that violent action. CHAP. XIII.

THE murder of Cummin affixed the ſeal to the conſpiracy of the Scottiſh nobles: They had now no reſource left but to ſhake off the yoke of England, or to periſh in the attempt: The genius of the nation rouzed itſelf from its preſent dejection: And Bruce, flying to different quarters, excited his partizans to arms, attacked with ſucceſs the diſperſed bodies of the Engliſh, got poſſeſſion of many of the caſtles, and having made his authority be acknowledged in moſt parts of the kingdom, was ſolemnly crowned and inaugurated in the abbey of Scone by the biſhop of St. Andrews, who had zealouſly embraced his cauſe. The Engliſh were again chaſed out of the kingdom, except ſuch as took ſhelter in the fortreſſes that ſtill remained in their hands; and Edward found, that the Scots, twice conquered in his reign, and often defeated, muſt yet be anew ſubdued. Not diſcouraged with theſe unexpected difficulties, he ſent Aymer de Valence with a conſiderable force into Scotland to check the progreſs of the malcontents; and that nobleman falling unexpectedly upon Bruce at Methven in Perthſhire, threw his army into ſuch diſorder, as ended in a total defeat [k]. Bruce fought with the moſt heroic courage, was thrice diſmounted in the action, and as often recovered himſelf; but was at laſt obliged to yield to ſuperior fortune, and take ſhelter, with a few followers, in the weſtern iſles. The earl of Athole, Sir Simon Fraſer, and Sir Chriſtopher Seton, who had been taken priſoners, were ordered by Edward to be executed as rebels and traitors [l]. Many other acts of rigour were exerciſed by him; and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and 1306. Third revolt of Scotland. 1307.

[k] Walſing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 344.

[l] Heming. vol. i. p. 223. M. Weſt. p. 456.

was

CHAP. XIII.

was preparing to enter the frontiers, secure of success, and determined to make the defenceless Scots the victims of his severity; when he unexpectedly sickened and died near Carlisle; enjoining with his last breath his son and successor to prosecute the enterprize, and never to desist till he had finally subdued the kingdom of Scotland. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects.

1307. 7th July, Death,

and character of the king.

THE enterprizes, finished by this prince, and the projects, which he formed and brought near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom, than those which were undertaken in any reign either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wise and vigorous measures for reducing Scotland to a like condition; and though the equity of this latter enterprize may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king: He possessed industry, penetration, courage, vigilance, and enterprize: He was frugal in all expences that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert in

all military exercises, and in the main well-proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues. CHAP. XIII. 1307.

Miscellaneous transactions of this reign.

But the chief advantage, which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigour, and left much improved to posterity: For the acts of a wise legislator commonly remain; while the acquisitions of a conqueror often perish with him. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes, passed in his reign, touch the chief points of jurisprudence, and, according to Sir Edward Coke [m], truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order, maintained in his administration, gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Matthew Hale has remarked the sudden improvement of English law during this reign; and ventures to assert, that, till his own time, it had never received any considerable encrease [n]. Edward settled the jurisdiction of the several courts; first established the office of justice of peace; abstained from the practice, too common before him, of interrupting justice by mandates from the privy-council [o]; repressed robberies and disorders;

[m] Institute, p. 156. [n] History of the English law, p. 158. 163.

[o] Articuli super Cart. cap. 6. Edward enacted a law to this purpose; but it is doubtful, whether he ever observed it. We are sure that scarcely any of his

CHAP. XIII. 1307.

orders [p]; encouraged trade by giving merchants an eaſy method of recovering their debts [q]; and, in ſhort, introduced a new face of things by the vigour and wiſdom of his adminiſtration. As law began now to be well eſtabliſhed, the abuſe of that bleſſing began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law-ſuits; and it was found requiſite to check this iniquity by act of parliament [r].

THERE happened in this reign a conſiderable alteration in the execution of the laws: The king aboliſhed the office of chief juſticiary, which, he thought, poſſeſſed too much power, and was dangerous to the crown [s]: He completed the diviſion of the court of exchequer into four diſtinct courts, which managed, each, its ſeveral branch, without dependance on any one magiſtrate; and as the lawyers afterwards invented a method, by means of their fictions, of carrying buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

BUT though Edward appeared thus, throughout his whole reign, a friend to law and juſtice, it cannot be ſaid, that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, ſuch practices, as thoſe which may be remarked in his adminiſtration, would have given ſufficient ground of complaint, and ſometimes were even in his age the

his ſucceſſors did. The multitude of theſe letters of protection were the ground of a complaint by the commons in 3 Edward II. See Ryley, p. 525. This practice is declared illegal by the ſtatute of Northampton paſſed in the ſecond of Edward III. but it ſtill continued, like many other abuſes. There are inſtances of it ſo late as the reign of queen Elizabeth.

[p] Statute of Winton. [q] Statute of Acton Burnel.

[r] Statute of conſpirators. [s] Spelman. Gloſſ. in verbo *juſticiarius*. Gilbert's Hiſt. of the Exchequer, p. 8.

object of general displeasure. The violent plunder and banishment of the Jews; the putting of the whole clergy, at once, and by an arbitrary edict, out of the protection of law; the seizing of all the wool and leather of the kingdom; the heightening of the impositions on the former valuable commodity; the new and illegal commission of Trailbaston; the taking of all the money and plate of monasteries and churches, even before he had any quarrel with the clergy; the subjecting of every man possessed of twenty pounds a year to military service, though not bound to it by his tenure; his visible reluctance to confirm the great charter, as if that concession had no validity from the deeds of his predecessors; the captious clause which he at last annexed to his confirmation; his procuring of the pope's dispensation from the oaths which he had taken to observe that charter; and his levying of talliages at discretion even after the statute, or rather charter, by which he had renounced that prerogative; these are so many demonstrations of his arbitrary disposition, and prove with what exception and reserve we ought to celebrate his love of justice. He took care that his subjects should do justice to each other; but he desired always to have his own hands free in all his transactions, both with them and with his neighbours. CHAP. XIII. 1307.

THE chief obstacle to the execution of justice in those times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe, and restraining their illegal practices. This salutary purpose was accordingly the great object of his attention; yet was he imprudently led into a measure which tended to encrease and confirm their dangerous authority. He passed a statute, which, by allowing them to entail their estates, made it impracticable to diminish the property of the great families,

CHAP. XIII.

lies, and left them every means of encreaſe and acquiſition [t].

1307. EDWARD obſerved a contrary policy with regard to the church: He ſeems to have been the firſt Chriſtian prince that paſſed a ſtatute of mortmain; and prevented by law the clergy from making new acquiſitions of lands, which by the eccleſiaſtical canons they were for ever prohibited from alienating. The oppoſition between his maxims with regard to the nobility and to the eccleſiaſtics, leads us to conjecture, that it was only by chance he paſſed the beneficial ſtatute of mortmain, and that his ſole object was, to maintain the number of knights' fees, and to prevent the ſuperiors from being defrauded of the profits of wardſhip, marriage, livery, and other emoluments ariſing from the feudal tenures. This is indeed the reaſon aſſigned in the ſtatute itſelf, and appears to have been his real object in enacting it. The author of the annals of Waverly aſcribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds that he was miſtaken in his purpoſe; for that the Amalekites were overcome more by the prayers of Moſes than by the ſword of the Iſraelites [u]. The ſtatute of mortmain was often evaded afterwards by the invention of *Uſes*.

EDWARD was active in reſtraining the uſurpations of the church; and excepting his ardour for Cruſades, which adhered to him during his whole life, ſeems, in other reſpects, to have been little infected with ſuperſtition, the vice chiefly of weak minds. But the paſſion for Cruſades was really in that age the paſſion for glory. As the pope now felt himſelf ſomewhat more reſtrained in his former practice of pillaging the ſeveral churches in Europe, by

[t] Brady of Boroughs, p. 25, from the records.

[u] P. 234. See alſo M. Weſt, p. 409.

laying

laying impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to prevent by law this ſpecies of injuſtice. CHAP. XIII. 1307.

THE tribute of 1000 marks a year, to which king John, in doing homage to the pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, though the vaſſalage was conſtantly denied, and indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of *cenſus*, not by that of tribute. King Edward ſeems to have always paid this money with great reluctance, and he ſuffered the arrears, at one time, to run on for ſix years [w], at another for eleven [x]: But as princes in that age ſtood continually in need of the pope's good offices, for diſpenſations of marriage and for other conceſſions, the court of Rome always found means, ſooner or later, to catch the money. The levying of firſt-fruits was alſo a new device, begun in this reign, by which his holineſs thruſt his fingers very frequently into the purſes of the faithful; and the king ſeems to have unwarily given way to it.

IN the former reign, the taxes had been partly ſcutages, partly ſuch a proportional part of the moveables, as was granted by parliament: In this, ſcutages were entirely dropped; and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in

[w] Rymer, vol. ii. p. 77. 107. [x] Id. p. 862.

CHAP. XIII. 1307.

his twenty-second year a tenth from the laity, a sixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a seventh from the burgesses; in his twenty-fourth year a twelfth from the barons and others, an eighth from the burgesses, from the clergy, nothing, because of the pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from those of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulations of the forests; the clergy granted nothing; in his thirty-third year, first a thirtieth from the barons and others, and a twentieth from the burgesses, then a fifteenth from all his subjects; in his thirty-fourth year a thirtieth from all his subjects for knighting his eldest son.

THESE taxes were moderate; but the king had also duties upon exportation and importation granted him from time to time: The heaviest were commonly upon wool. Poundage, or a shilling a pound, was not regularly granted the kings for life till the reign of Henry V.

IN 1296, the famous mercantile society, called the *Merchant Adventurers*, had its first origin: It was instituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly at Antwerp[y]. For the English at this time scarcely thought of any more distant commerce.

THIS king granted a charter or declaration of protection and privileges to foreign merchants, and also ascertained the customs or duties which those merchants were in return to pay on merchandize imported and exported. He promised them security; allowed them a jury on

[y] Anderson's history of commerce, vol. i. p. 137.

trials,

trials, consisting half of natives, half of foreigners; and appointed them a justiciary in London for their protection. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship, of making one answerable for the debts, and even for the crimes of another, that came from the same country [z]. We read of such practices among the present barbarous nations. The king also imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty; and forty pence on each sack of wool exported, besides half a mark, the former duty [a]. CHAP. XIII. 1307.

In the year 1303, the Exchequer was robbed, and of no less a sum than 100,000 pounds, as is pretended [b]. The abbot and monks of Westminster were indicted for this robbery, but acquitted. It does not appear, that the king ever discovered the criminals with certainty; though his indignation fell on the society of Lombard merchants, particularly the Frescobaldi, very opulent Florentines.

The pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in specie but in bills of exchange [c]. A proof that commerce was but ill understood at that time.

Edward had by his first wife, Eleanor of Castile, four sons; but Edward, his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: Of the surviving, Joan was married first to the earl of Gloucester, and after his death, to Ralph de Monthermer: Margaret espoused John duke of Brabant: Elizabeth espoused first John earl of Holland; and afterwards the earl of Hereford: Mary

z Anderson's hist. of commerce, vol. i. p. 146. a Rymer, vol. iv. p. 361. It is the charter of Edw. I. which is there confirmed by Edw. III.

b Rymer, vol. ii. p. 930. c Rymer, vol. ii. p. 1092.

CHAP. XIII. 1307. was a nun at Ambresbury. He had by his second wife, Margaret of France, two sons and a daughter; Thomas created earl of Norfolk, and Mareschal of England; and Edmond who was created earl of Kent by his brother when king. The princess died in her infancy.

CHAP. XIV.

EDWARD II.

Weakneſs of the king——His paſſion for favourites——Piers Gavaſton——Diſcontent of the barons——Murder of Gavaſton——War with Scotland——Battle of Bannockburn——Hugh le Deſpenſer——Civil commotions——Execution of the earl of Lancaſter——Conſpiracy againſt the king——Inſurrection——The king dethroned——Murdered——His character——Miſcellaneous tranſactions in this reign.

THE prepoſſeſſions, entertained in favour of young Edward, kept the Engliſh from being fully ſenſible of the extreme loſs, which they had ſuſtained by the death of the great monarch, who filled the throne; and all men haſtened with alacrity to take the oath of allegiance to his ſon and ſucceſſor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle diſpoſition, and having never diſcovered a propenſity to any dangerous vice, it was natural to prognoſticate tranquillity and happineſs from his government. But the firſt act of his reign blaſted all theſe hopes, and ſhewed him to be totally unqualified for that perilous ſituation, in which every Engliſh monarch, during thoſe ages, had, from the unſtable form of the conſtitution, and the turbulent diſpoſitions of the people, derived from it, the misfortune to be placed. The indefatigable Robert Bruce, though his army had been diſperſed and he himſelf had been obliged to take ſhelter in the weſtern iſles, remained

CHAP. XIV. 1307.

Weakneſs of the king.

CHAP. XIV.

1307. remained not long unactive; but before the death of the late king, had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprize an important advantage over Aymer de Valence, who commanded the English forces[d]. He was now become so considerable as to have afforded the king of England sufficient glory in subduing him, without incurring any danger of seeing all those mighty preparations, made by his father, fail in the enterprize. But Edward, instead of pursuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal aversion, for all application or serious business, he immediately returned upon his footsteps, and disbanded his army. His grandees perceived from this conduct, that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

His passion for favourites.

Piers Gavaston.

THE next measure, taken by Edward, gave them an inclination to attack those prerogatives, which no longer kept them in awe. There was one Piers Gavaston, son of a Gascon knight of some distinction, who had honourably served the late king, and who, in reward of his merits, had obtained an establishment for his son in the family of the prince of Wales. This young man soon insinuated himself into the affections of his master, by his agreeable behaviour, and by supplying him with all those innocent, though frivolous amusements, which suited his capacity and his inclinations. He was endowed with the utmost elegance of shape and person, was noted for a fine mien and easy carriage, distinguished himself in all warlike and genteel exercises, and was celebrated for those quick sallies of wit, in which his countrymen usually excel. By all these accomplishments he gained so entire an ascendant over young Edward, whose heart was strongly

[d] Trivet, p. 346.

disposed

CHAP. XIV.

1307.

diſpoſed to friendſhip and confidence, that the late king, apprehenſive of the conſequences, had baniſhed him the kingdom, and had, before he died, made his ſon promiſe never to recall him. But no ſooner did he find himſelf maſter, as he vainly imagined, than he ſent for Gavaſton; and even before his arrival at court, endowed him with the whole earldom of Cornwal, which had eſcheated to the crown, by the death of Edmond, ſon of Richard king of the Romans [e]. Not content with conferring on him thoſe poſſeſſions, which had ſufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married him to his own niece, ſiſter of the earl of Gloceſter; and ſeemed to enjoy no pleaſure in his royal dignity, but as it enabled him to exalt to the higheſt ſplendor this object of his fond affections.

Diſcontent of the barons.

THE haughty barons, offended at the ſuperiority of a minion, whoſe birth, though reputable, they deſpiſed, as much inferior to their own, concealed not their diſcontent; and ſoon found reaſons to juſtify their animoſity in the character and conduct of the man they hated. Inſtead of diſarming envy by the moderation and modeſty of his behaviour, Gavaſton diſplayed his power and influence with the utmoſt oſtentation; and deemed no circumſtance of his good fortune ſo agreeable as its enabling him to eclipſe and mortify all his rivals. He was vain-glorious, profuſe, rapacious; fond of exterior pomp and appearance, giddy with proſperity; and as he imagined, that his fortune was now as ſtrongly rooted in the kingdom, as his aſcendant was uncontrouled over the weak monarch, he was negligent in engaging partizans, who might ſupport his ſudden and ill-eſtabliſhed grandeur. At all tournaments, he took delight in foiling the Engliſh nobility, by his ſuperior addreſs: In every converſation, he made

[e] Rymer, vol. iii. p. 1. Heming. vol. i. p. 243. Walſing. p. 96.

CHAP. XIV.

them the object of his wit and raillery: Every day his enemies multiplied upon him; and naught was wanting
1307. but a little time to cement their union, and render it fatal, both to him and to his master [f].

It behoved the king to take a journey to France, both in order to do homage for the dutchy of Guienne, and to espouse the princess Isabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage [g]. Edward left Gavaston guardian of the realm [h], with more ample powers, than had usually been conferred [i]; and on his return with his young queen, renewed all the proofs of that fond attachment to the favourite, of which every one so loudly complained. This princess was of an imperious and intriguing spirit; and finding, that her husband's capacity required, as his temper inclined, him to be governed, she thought herself best intitled, on every account, to perform the office, and she contracted a mortal hatred against the person, who had disappointed her in these expectations. She was well pleased, therefore, to see a combination of the nobility forming against Gavaston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

1308. Thomas, earl of Lancaster, cousin-german to the king, and first prince of the blood, was by far the most opulent and powerful subject in England, and possessed in his own right, and soon after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportionable estate in land, attended with all the jurisdictions and power, which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition; mortally hated the favourite, whose influence over the king exceeded his own; and he soon became the

[f] T. de la More, p. 593. Walsing. p. 97. [g] T. de la More, p. 593. Trivet, cont. p. 3. [h] Rymer, vol. iii. p. 47. Ypod. Neust. p. 499. [i] Brady's App. N°. 49.

head

head of that party among the barons, who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath to expel Gavaston: Both sides began already to put themselves in a warlike posture: The licentiousness of the age broke out in robberies and other disorders, the usual prelude of civil war: And the royal authority, despised in the king's own hands, and hated in those of Gavaston, became insufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being summoned at Westminster, Lancaster and his party came thither with an armed retinue; and were there enabled to impose their own terms on the sovereign. They required the banishment of Gavaston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated, if he remained any longer in the kingdom [i]. Edward was obliged to submit [k]; but even in his compliance, gave proofs of his fond attachment to his favourite. Instead of removing all umbrage, by sending him to his own country, as was expected, he appointed him lord lieutenant of Ireland [l], attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England [m]. Gavaston, who did not want bravery, and possessed talents for war [n], acted, during his government, with vigour against some Irish rebels, whom he subdued.

CHAP. XIV. 1308.

MEANWHILE, the king, less shocked with the illegal violence which had been imposed upon him, than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point were the chief object of his

[i] Trivet, cont. p. 5. p. 92. Murimuth, p. 39.
[k] Rymer, vol. iii. p. 80.
[l] Ibid.
[m] Rymer, vol. iii. p. 87.
[n] Heming. vol. i. p. 248. T. de la More, p. 593.

CHAP. XIV.

government. The high office of hereditary ſteward was conferred on Lancaſter: His father-in-law, the earl of Lincoln, was bought off by other conceſſions: Earl Warrenne was alſo mollified by civilities, grants, or promiſes: The inſolence of Gavaſton, being no longer before men's eyes, was leſs the object of general indignation: And Edward, deeming matters ſufficiently prepared for his purpoſe, applied to the court of Rome, and obtained for Gavaſton a diſpenſation from that oath, which the barons had compelled him to take, that he would for ever abjure the realm [o]. He went down to Cheſter, to receive him on his firſt landing from Ireland; flew into his arms with tranſports of joy; and having obtained the formal conſent of the barons in parliament to his re-eſtabliſhment, ſet no longer any bounds to his extravagant fondneſs and affection. Gavaſton himſelf, forgetting his paſt misfortunes, and blind to their cauſes, reſumed the ſame oſtentation and inſolence; and became more than ever the object of general deteſtation among the nobility.

1308.

THE barons firſt diſcovered their animoſity by abſenting themſelves from parliament; and finding that this expedient had not been ſucceſsful, they began to think of employing ſharper and more effectual remedies. Though there had ſcarcely been any national ground of complaint, except ſome diſſipation of the public treaſure: Though all the acts of mal-adminiſtration, objected to the king and his favourite, ſeemed of a nature more proper to excite heart-burnings in a ball or aſſembly, than commotions in a great kingdom: Yet ſuch was the ſituation of the times, that the barons were determined, and were able, to make them the reaſons of a total alteration in the conſtitution and civil government. Having come to parliament, in defiance of the laws and the king's prohibition, with a numerous retinue of armed followers, they

7th Feb.

[o] Rymer, vol. iii. p. 167.

found

found themſelves entirely maſters; and they preſented a petition, which was equivalent to a command, requiring Edward to devolve on a choſen junto the whole authority both of the crown and of the parliament. The king was obliged to ſign a commiſſion, empowering the prelates and barons to elect twelve perſons, who ſhould, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's houſehold; conſenting that theſe ordinances ſhould, thenceforth, and for ever, have the force of laws; allowing the ordainers to form aſſociations among themſelves and their friends, for their ſtrict and regular obſervance; and all this for the greater glory of God, the ſecurity of the church, and the honour and advantage of the king and kingdom [p]. The barons in return ſigned a declaration, in which they acknowledged, that they owed theſe conceſſions merely to the king's free grace; promiſed that this commiſſion ſhould never be drawn into precedent; and engaged, that the power of the ordainers ſhould expire at the time appointed [q].

CHAP. XIV. 1308. 16th March.

THE choſen junto accordingly framed their ordinances, and preſented them to the king and parliament, for their confirmation in the enſuing year. Some of theſe ordinances were laudable, and tended to the regular execution of juſtice: Such as thoſe, requiring ſheriffs to be men of property, aboliſhing the practice of iſſuing privy ſeals for the ſuſpenſion of juſtice, reſtraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the caſe of vexatious proſecutions. But what 1311.

[p] Brady's App. N° 50. Heming. vol. i. p. 247. Walſing. p. 97. Ryley, p. 526. [q] Brady's App. N° 51.

chiefly

CHAP. XIV.

1311. chiefly grieved the king, was the ordinance for the removal of evil counſellors, by which a great number of perſons were by name excluded from every office of power and profit; and Piers Gavaſton himſelf was for ever baniſhed the king's dominions, under the penalty, in caſe of diſobedience, of being declared a public enemy. Other perſons, more agreeable to the barons, were ſubſtituted in all the offices. And it was ordained, that, for the future, all the conſiderable dignities in the houſehold, as well as in the law, revenue, and military governments, ſhould be appointed by the *baronage* in parliament; and the power of making war, or aſſembling his military tenants, ſhould no longer be veſted ſolely in the king, nor be exerciſed without the conſent of the nobility.

EDWARD, from the ſame weakneſs both in his temper and ſituation, which had engaged him to grant this unlimited commiſſion to the barons, was led to give a parliamentary ſanction to their ordinances: But as a conſequence of the ſame character, he *ſecretly* made a proteſt againſt them, and declared, that, ſince the commiſſion was granted only for the making of ordinances to the advantage of king and kingdom, ſuch articles as ſhould be found prejudicial to both, were to be held as not ratified and confirmed [r]. It is no wonder, indeed, that he retained a firm purpoſe to revoke ordinances, which had been impoſed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and ſociety of a perſon, whom, by an unuſual infatuation, he valued above all the world, and above every conſideration of intereſt or tranquillity.

As ſoon, therefore, as Edward, removing to York, had freed himſelf from the immediate terror of the barons' power, he invited back Gavaſton from Flanders, which that favourite had made the place of his retreat; and de-

[r] Ryley's Placit. Parl. p. 530. 541.

claring

claring his baniſhment to be illegal, and contrary to the laws and cuſtoms of the kingdom [s], openly re-inſtated him in his former credit and authority. The barons, highly provoked at this diſappointment, and apprehenſive of danger to themſelves from the declared animoſity of ſo powerful a minion, ſaw, that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies againſt him. The earl of Lancaſter was a dangerous head of this alliance: Guy, earl of Warwic, entered into it with a furious and precipitate paſſion: Humphrey Bohun, earl of Hereford, the conſtable, and Aymer de Valence, earl of Pembroke, brought to it a great acceſſion of power and intereſt: Even earl Warrenne deſerted the royal cauſe, which he had hitherto ſupported, and was induced to embrace the ſide of the confederates [t]: And as Robert de Winchelſey, archbiſhop of Canterbury, profeſſed himſelf of the ſame party, he determined the body of the clergy, and conſequently the people, to declare againſt the king and his minion. So predominant, at that time, was the power of the great nobility, that the combination of a few of them was always able to ſhake the throne; and ſuch an univerſal concurrence became irreſiſtible. The earl of Lancaſter ſuddenly raiſed an army, and marched to York, where he found the king already removed to Newcaſtle [u]: He flew thither in purſuit of him; and Edward had juſt time to eſcape to Tinmouth, where he embarked, and ſailed with Gavaſton to Scarborough. He left his favourite in that fortreſs, which, had it been properly ſupplied with proviſions, was deemed impregnable; and he marched forward to York, in hopes of raiſing an army, which might be able to ſupport him againſt his enemies. Pembroke was ſent by the confederates to beſiege the caſtle of Scar-

CHAP. XIV. 1312.

[s] Brady's App. No 53. Walſing. p. 98.
[t] Trivet, cont. p. 4.
[u] Walſing. p. 101.

borough;

CHAP. XIV.

borough; and Gavaſton, ſenſible of the bad condition of his garriſon, was obliged to capitulate, and to ſurrender himſelf priſoner [w]. He ſtipulated, that he ſhould remain in Pembroke's hands for two months; that endeavours ſhould, during that time, be mutually uſed for a general accommodation; that if the terms propoſed by the barons were not accepted, the caſtle ſhould be reſtored to him in the ſame condition as when he ſurrendered it; and that the earl of Pembroke, and Henry Piercy ſhould, by contract, pledge all their lands for the fulfilling of theſe conditions [x]. Pembroke, now maſter of the perſon of this public enemy, conducted him to the caſtle of Dedington, near Banbury; where, on pretence of other buſineſs, he left him, protected by a feeble guard [y]. Warwic, probably in concert with Pembroke, attacked the caſtle: The garriſon refuſed to make any reſiſtance: Gavaſton was yielded up to him, and conducted to Warwic caſtle: The earls of Lancaſter, Hereford, and Arundel, immediately repaired thither [z]: And without any regard, either to the laws or the military capitulation, they ordered the head of the obnoxious favourite to be ſtruck off, by the hands of the executioner [a].

1312. 19th May.

Murder of Gavaſton. 1ſt July.

THE king had retired northward to Berwic, when he heard of Gavaſton's murder; and his reſentment was proportioned to the affection which he had ever borne him, while living. He threatened vengeance on all the nobility, who had been active in that bloody ſcene, and he made preparations for war in all parts of England. But being leſs conſtant in his enmities than in his friendſhips, he ſoon after hearkened to terms of accommodation; granted the barons a pardon of all offences; and as they ſtipulated to aſk him publicly pardon on their knees [b], he

w Walſing. p. 101. x Rymer, vol. ii. p. 324.
y T. de la More, p. 593. z Dugd. Baron. vol. ii. p. 44.
a Walſing. p. 101. T. de la More, p. 593. Trivet, cont. p. 9.
b Ryley, p. 538. Rymer, vol. iii. p. 366.

was

was so pleased with these vain appearances of submis- CHAP. XIV.
sion, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwith- 1312.
standing their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances as a necessary security for that purpose; Edward told them, that he was willing to grant them a free and legal confirmation of such of these ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The king's person, after the death of Gavaston, was now become less obnoxious to the public; and as the ordinances, insisted on, appeared to be nearly the same with those which had formerly been extorted from Henry III. by Mountfort, and which had been attended with so many fatal consequences, they were, on that account, demanded with less vehemence by the nobility and people. The minds of all men seemed to be much appeased: The animosities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whose progress was the object of general resentment and indignation.

War with Scotland.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his fastnesses, in which he intended to have sheltered his feeble army; and supplying his defect of strength by superior vigour and abilities, he made deep impression on all his enemies, foreign and domestic. He chased lord Argyle and the chieftain of the Macdowals from their hills, and made himself entirely master of the high country: He thence invaded with success the Cummins in the low countries of the north: He took the castles of Inverness, Forfar, and Brechin: He daily gained some new accession of territory; and what was a

CHAP. XIV. 1312.

more important acquisition, he daily reconciled the minds of the nobility to his dominion, and inlisted under his standard every bold leader, whom he enriched by the spoils of his enemies. Sir James Douglas, in whom commenced the greatness and renown of that warlike family, seconded him in all his enterprizes: Edward Bruce, Robert's own brother, distinguished himself by acts of valour: And the terror of the English power being now abated by the feeble conduct of the king, even the least sanguine of the Scots began to entertain hopes of recovering their independence; and the whole kingdom, except a few fortresses, which he had not the means to attack, had acknowledged the authority of Robert.

In this situation, Edward had found it necessary to grant a truce to Scotland; and Robert successfully employed the interval in consolidating his power, and introducing order into the civil government, disjointed by a long continuance of wars and factions. The interval was very short: The truce, ill observed on both sides, was at last openly violated; and war recommenced with greater fury than ever. Robert, not content with defending himself, had made successful inroads into England, subsisted his needy followers by the plunder of that country, and taught them to despise the military genius of a people, who had long been the object of their terror. Edward, at last, rouzed from his lethargy, had marched an army into Scotland; and Robert, determined not to risque too much against an enemy so much superior, retired again into the mountains. The king advanced beyond Edinburgh; but being destitute of provisions, and being ill supported by the English nobility, who were then employed in framing their ordinances, he was soon obliged to retreat, without gaining any advantage over the enemy. But the appearing union of all the parties in England,

England, after the death of Gavaſton, ſeemed to reſtore that kingdom to its native force, opened again the proſpect of reducing Scotland, and promiſed a happy concluſion to a war, in which both the intereſts and paſſions of the nation were ſo deeply engaged. CHAP. XIV. 1312.

EDWARD aſſembled forces from all quarters, with a view of finiſhing at one blow this important enterprize. He ſummoned the moſt warlike of his vaſſals from Gaſcony: He inliſted troops from Flanders and other foreign countries: He invited over great numbers of the diſorderly Iriſh as to a certain prey: He joined to them a body of the Welſh, who were actuated by like motives: And aſſembling the whole military force of England, he marched to the frontiers with an army, which, according to the Scotch writers, amounted to a hundred thouſand men. 1314.

THE army, collected by Robert, exceeded not thirty thouſand combatants; but being compoſed of men, who had diſtinguiſhed themſelves by many acts of valour, who were rendered deſperate by their ſituation, and who were enured to all the varieties of fortune, they might juſtly, under ſuch a leader, be deemed formidable to the moſt numerous and beſt appointed armies. The caſtle of Stirling, which, with Berwic, was the only fortreſs in Scotland, that remained in the hands of the Engliſh, had long been beſieged by Edward Bruce: Philip de Mowbray, the governor, after an obſtinate defence, was at laſt obliged to capitulate, and to promiſe, that, if, before a certain day, which was now approaching, he were not relieved, he ſhould open his gates to the enemy [a]. Robert therefore, ſenſible that here was the ground on which he muſt expect the Engliſh, choſe the field of battle with all the ſkill and prudence imaginable, and made

[a] Rymer, vol. iii. p. 481.

CHAP. XIV.

the neceſſary preparations for their reception. He poſted himſelf at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a moraſs on his left: And not content with having taken theſe precautions to prevent his being ſurrounded by the more numerous army of the Engliſh; he foreſaw the ſuperior ſtrength of the enemy in cavalry, and made proviſion againſt it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and ſharp ſtakes to be planted in them; and he ordered the whole to be carefully covered over with turf [d]. The Engliſh arrived in ſight on the evening, and a bloody conflict immediately enſued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in ſingle combat with Henry de Bohun, a gentleman of the family of Hereford; and at one ſtroke cleft his adverſary to the chin with a battle-ax, in ſight of the two armies. The Engliſh horſe fled with precipitation to their main body.

1314.

THE Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognoſticated a happy iſſue to the combat on the enſuing day: The Engliſh, confident in their numbers, and elated with former ſucceſſes, longed for an opportunity of revenge: And the night, though extremely ſhort in that ſeaſon and in that climate, appeared tedious to the impatience of the ſeveral combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloceſter, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, ruſhed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy [e]. This body of horſe was diſordered: Gloceſter himſelf was overthrown and ſlain: Sir James Douglas, who commanded the Scot-

Battle of Bannockburn. 25th June.

[d] T. de la More, p. 594. [e] Ibid.

tiſh

tiſh cavalry, gave the enemy no leiſure to rally, but CHAP. XIV.
puſhed them off the field with conſiderable loſs, and purſued them in ſight of their whole line of infantry. While 1314.
the Engliſh army were alarmed with this unfortunate beginning of the action, which commonly proves deciſive, they obſerved an army on the heights towards the left, which ſeemed to be marching leiſurely in order to ſurround them; and they were diſtracted by their multiplied fears. This was a number of waggoners and ſumpter boys, whom Robert had collected; and having ſupplied them with military ſtandards, gave them the appearance at a diſtance of a formidable body. The ſtratagem took effect: A panic ſeized the Engliſh: They threw down their arms and fled: They were purſued with great ſlaughter, for the ſpace of ninety miles, till they reached Berwic: And the Scots, beſides an ineſtimable booty, took many perſons of quality priſoners, and above 400 gentlemen, whom Robert treated with great humanity [f], and whoſe ranſom was a new acceſſion of wealth to the victorious army. The king himſelf narrowly eſcaped by taking ſhelter in Dunbar, whoſe gates were opened to him by the earl of March; and he thence paſſed by ſea to Berwic.

SUCH was the great and deciſive battle of Bannockburn, which ſecured the independance of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greateſt overthrow that the Engliſh nation, ſince the conqueſt, has ever received. The number of ſlain on thoſe occaſions is always uncertain, and is commonly much magnified by the victors: But this defeat made a deep impreſſion on the minds of the Engliſh; and it was remarked, that, for ſome years, no ſuperiority of numbers could encourage them to keep the field againſt the Scots. Robert, in order to avail himſelf of his preſent

[f] Ypod. Neuſt. p. 501.

CHAP. XIV.

1314. 1315.

ſucceſs, entered England, and ravaged all the northern counties without oppoſition: He beſieged Carliſle; but that place was ſaved by the valour of Sir Andrew Harcla, the governor: He was more ſucceſsful againſt Berwic, which he took by aſſault: And this prince, elated by his continued proſperity, now entertained hopes of making the moſt important conqueſts on the Engliſh. He ſent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman aſſumed the title of King of that iſland: He himſelf followed ſoon after with more numerous forces: The horrible and abſurd oppreſſions, which the Iriſh ſuffered under the Engliſh government, made them, at firſt, fly to the ſtandard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time deſolated both Ireland and Britain, reduced the Scottiſh army to the greateſt extremities; and Robert was obliged to return, with his forces much diminiſhed, into his own country. His brother, after having experienced a variety of fortune, was defeated and ſlain near Dundalk by the Engliſh, commanded by lord Bermingham: And theſe projects, too extenſive for the force of the Scottiſh nation, thus vaniſhed into ſmoke.

EDWARD, beſides ſuffering thoſe diſaſters from the invaſion of the Scots and the inſurrection of the Iriſh, was alſo infeſted with a rebellion in Wales; and above all, by the factions of his own nobility, who took advantage of the public calamities, inſulted his fallen fortunes, and endeavoured to eſtabliſh their own independance on the ruins of the throne. Lancaſter and the barons of his party, who had declined attending him on his Scottiſh expedition, no ſooner ſaw him return with diſgrace, than they inſiſted on the renewal of their ordinances, which, they ſtill pretended, had validity; and the king's unhappy ſituation obliged him to ſubmit to their demands. The miniſtry was new modeled by the direction of Lancaſter [g]:

[g] Ryley, p. 570. Rymer, vol. iii. p. 722.

That

That prince was placed at the head of the council: It was declared, that all the offices ſhould be filled, from time to time, by the votes of parliament, or rather, by the will of the great barons[h]: And the nation, under this new model of government, endeavoured to put itſelf in a better poſture of defence againſt the Scots. But the factious nobles were far from being terrified with the progreſs of theſe public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakneſs and diſtreſſes of the crown: Lancaſter himſelf was ſuſpected, with great appearance of reaſon, of holding a ſecret correſpondence with the king of Scots: And though he was entruſted with the command of the Engliſh armies, he took care that every enterprize ſhould be diſappointed, and every plan of operations prove unſucceſsful. CHAP. XIV. 1315.

All the European kingdoms, eſpecially that of England, were at this time unacquainted with the office of a prime miniſter, ſo well underſtood at preſent in all regular monarchies; and the people could form no conception of a man, who, though ſtill in the rank of a ſubject, poſſeſſed all the power of a ſovereign, eaſed the prince of the burthen of affairs, ſupplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greateſt nobles by their ſubmiſſion to his temporary authority. Edward was plainly by nature unfit to hold himſelf the reins of government: He had no vices; but was unhappy in a total incapacity for ſerious buſineſs: He was ſenſible of his own defects, and neceſſarily ſought to be governed; Yet every favourite, whom he ſucceſſively choſe, was regarded as a fellow-ſubject, exalted above his rank and ſtation: He was the object of envy to the great nobility: His character and conduct were decryed with the people: His authority

[h] Brady, vol. ii. p. 122. from the records, app. No. 61. Ryley, p. 560.

CHAP. XIV.

over the king and kingdom was considered as an usurpation: And unless the prince had embraced the dangerous

1315. expedient, of devolving his power on the earl of Lancaster or some mighty baron, whose family interest was so extensive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

Hugh le Despenser.

THE king's chief favourite, after the death of Gavaston, was Hugh le Despenser or Spenser, a young man of English birth, of high rank, and of a noble family [i]. He possessed all the exterior accomplishments of person and address, which were fitted to engage the weak mind of Edward; but was destitute of that moderation and prudence, which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous station, to which he was advanced. His father, who was of the same name, and who, by means of his son, had also attained great influence over the king, was a nobleman venerable from his years, respected through all his past life for wisdom, valour, and integrity, and well fitted, by his talents and experience, could affairs have admitted of any temperament, to have supplied the defects both of the king and of his minion [k]. But no sooner was Edward's attachment declared for young Spenser, than the turbulent Lancaster, and most of the great barons, regarded him as their rival, made him the object of their animosity, and formed violent plans for his ruin [l]. They first declared their discontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities against him.

1321. Civil commotions.

THE king, who set no limits to his bounty towards his minions, had married the younger Spenser to his niece, one of the co-heirs of the earl of Gloucester, slain at

[i] Dugd. Baron. vol. i. p. 389.
[k] T. de la More, p. 594.
[l] Walsingham. p. 113. T. de la More, p. 595. Murimuth, p. 55.

Bannockburn. The favourite, by his ſucceſſion to that opulent family, had inherited great poſſeſſions in the marches of Wales[m], and being deſirous of extending ſtill farther his influence in thoſe quarters, he is accuſed of having committed injuſtice on the barons of Audley and Ammori, who had alſo married two ſiſters of the ſame family. There was likewiſe a baron in that neighbourhood, called William de Braouſe, lord of Gower, who had made a ſettlement of his eſtate on John de Mowbray, his ſon-in-law; and in caſe of failure of that nobleman and his iſſue, had ſubſtituted the earl of Hereford, in the ſucceſſion to the barony of Gower. Mowbray, on the deceaſe of his father-in-law, entered immediately in poſſeſſion of the eſtate, without the formality of taking livery and ſeizin from the crown: But Spenſer, who coveted that barony, perſuaded the king to put in execution the rigour of the feudal law, to ſeize Gower as eſcheated to the crown, and to confer it upon him[n]. This tranſaction, which was the proper ſubject of a law-ſuit, immediately excited a civil war in the kingdom. The earls of Lancaſter and Hereford flew to arms: Audley and Ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, diſguſted for private reaſons at the Spenſers, brought a conſiderable acceſſion to the party: And their army being now formidable, they ſent a meſſage to the king, requiring him immediately to diſmiſs or confine the younger Spenſer; and menacing him in caſe of refuſal, with renouncing their allegiance to him, and taking revenge on that miniſter by their own authority. They ſcarcely waited for an anſwer; but immediately fell upon the lands of young Spenſer, which they pillaged and deſtroyed; murdered his ſervants, drove off his cattle, and burned his houſes[o]. They thence proceeded to

CHAP. XIV. 1321.

[m] Trivet, cont. p. 25. [n] Monach. Malmeſ. [o] Murimuth, p. 55.

commit

CHAP. XIV.

commit like devaſtations on the eſtates of Spenſer, the father, whoſe character they had hitherto ſeemed to reſpect. And having drawn and ſigned a formal aſſociation among themſelves[p], they marched to London with all their forces, ſtationed themſelves in the neighbourhood of that city, and demanded of the king the baniſhment of both the Spenſers. Theſe noblemen were then abſent; the father abroad, the ſon at ſea; and both of them employed in different commiſſions: The king therefore replied, that his coronation oath, by which he was bound to obſerve the laws, reſtrained him from giving his aſſent to ſo illegal a demand, or condemning noblemen who were accuſed of no crime, nor had any opportunity afforded them of making anſwer[q]. Equity and reaſon were but a feeble oppoſition to men, who had arms in their hands, and who, being already involved in guilt, ſaw no ſafety but in ſucceſs and victory. They entered London with their troops; and giving in to the parliament, which was then ſitting, a charge againſt the Spenſers, of which they attempted not to prove one article, they procured, by menaces and violence, a ſentence of attainder and perpetual exile againſt theſe miniſters[r]. This ſentence was voted by the lay barons alone: For the commons, though now an eſtate in parliament, were yet of ſo little conſideration, that their aſſent was not demanded; and even the votes of the prelates were neglected amidſt the preſent diſorders. The only ſymptom, which theſe turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings[s]; after which they diſbanded their army, and ſeparated, in ſecurity, as they imagined, to their ſeveral caſtles.

1321.

[p] Tyrrel, vol. ii. p. 280. from the regiſter of C. C. Canterbury.
[q] Walſing. p. 114. [r] Tottle's collect. part 2. p. 50. Walſing. p. 114. [s] Tottle's collect. part 2. p. 54. Rymer, vol. iii. p. 891.

THIS

CHAP. XIV.

THIS act of violence, in which the king was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds in Kent, which belonged to the lord Badlesmere, desired a night's lodging; but was refused admittance, and some of her attendants, who presented themselves at the gate, were killed [t]. The insult upon this princess, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the young Spenser, was an action which no body pretended to justify; and the king thought, that he might, without giving general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed [u]: But having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recall the two Spensers, whose sentence he declared illegal, unjust, contrary to the tenor of the Great Charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons [w]. Still the commons were not mentioned by either party. 1321.

THE king had now got the start of the barons; an advantage, which, in those times, was commonly decisive: And he hastened with his army to the marches of Wales, the chief seat of the power of his enemies, whom he found totally unprepared for resistance. Many of the barons in those parts endeavoured to appease him by submission [x]: Their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin 1322.

t Rymer, vol. iii. p. 89. Walsing. p. 114, 115. T. de la More, p. 595. Murimuth, p. 56. u Walsing. p. 115. w Rymer, vol. iii. p. 907. T. de la More, p. 595. x Walsing. p. 115. Murimuth, p. 57.

of

CHAP. XIV.

of his party, summoned together his vassals and retainers; declared his alliance with Scotland, which had long been suspected; received the promise of a reinforcement from that country, under the command of Randolf, earl of Murray, and Sir James Douglas[y]; and being joined by the earl of Hereford, advanced with all his forces against the king, who had collected an army of 30,000 men, and was superior to his enemies. Lancaster posted himself at Burton upon Trent, and endeavoured to defend the passages of the river[z]: But being disappointed in that plan of operations; this prince, who had no military genius, and whose personal courage was even suspected, fled with his army to the north, in expectation of being there joined by his Scottish allies[a]. He was pursued by the king; and his army diminished daily; till he came to Boroughbridge, where he found Sir Andrew Harcla posted with some forces on the opposite side of the river, and ready to dispute the passage with him. He was repulsed in an attempt which he made to force his way; the earl of Hereford was killed; the whole army of the rebels was disconcerted; Lancaster himself was become incapable of taking any measures either for flight or defence; and he was seized without resistance by Harcla, and conducted to the king[b]. In those violent times, the laws were so much neglected on both sides, that, even where they might, without any sensible inconvenience, have been observed, the conquerors deemed it unnecessary to pay any regard to them. Lancaster, who was guilty of open rebellion, and was taken in arms against his sovereign, instead of being tried by the laws of his country, which pronounced the sentence of death against him, was condemned by a court-martial[c], and led to execution. Edward, however little vindictive in

1322.

16th March.

y Rymer, vol. iii. p. 958. z Walsing. p. 115. a Ypod. Neust. p. 504. b T. de la More, p. 596. Walsing. p. 116.
c Tyrrel, vol. ii. p. 291. from the records.

his

his natural temper, here indulged his revenge, and employed against the prisoner the same indignities, which had been exercised by his orders against Gavaston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and there beheaded [d].

CHAP. XIV.

1322. 23d March, Execution of the earl of Lancaster.

THUS perished Thomas earl of Lancaster, prince of the blood, and one of the most potent barons that had ever been in England. His public conduct sufficiently discovers the violence and turbulence of his character: His private deportment appears not to have been more innocent: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badlesmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial and were executed. Many were thrown into prison: Others made their escape beyond sea: Some of the king's servants were rewarded from the forfeitures: Harcla received for his services the earldom of Carlisle, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the king of Scotland. But the greater part of those vast escheats was seized by young Spenser, whose rapacity was insatiable. Many of the barons of the king's party were disgusted with this partial division of the spoils: The envy against Spenser rose higher than ever: The usual insolence of his temper, enflamed by success, impelled him to commit many acts of violence: The people, who always hated him, made him still more the object of aversion: All the relations of the attainted barons and gentlemen secretly vowed re-

[d] Leland's Coll. vol. i. p. 668.

venge:

CHAP. XIV.

venge: And though tranquillity was in appearance restored to the kingdom, the general contempt of the king and odium against Spenser, bred dangerous humours, the source of future revolutions and convulsions.

1322. In this situation no success could be expected from foreign wars; and Edward, after making one more fruitless attempt against Scotland, whence he retreated with dishonour, found it necessary to terminate hostilities with that kingdom, by a truce of thirteen years[e]. Robert, though his title to the crown was not acknowledged in the treaty, was satisfied with ensuring his possession of it during so long a time. He had repelled with gallantry all the attacks of England; He had carried war both into that kingdom and into Ireland: He had rejected with disdain the pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies: His throne was firmly established, as well in the affections of his subjects, as by force of arms: Yet there naturally remained some inquietude in his mind, while at war with a state, which, however at present disordered by faction, was of itself so much an over-match for him both in riches and in numbers of people. And this truce was, at the same time, the more seasonable for England; because the nation was at that juncture threatened with hostilities from France.

1324. Philip the Fair, king of France, who died in 1315, had left the crown to his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some grounds of complaint against the king's ministers in Guienne; and as there was no common or equitable judge in that strange species

[e] Rymer, vol. iii. p. 1022. Murimuth, p. 60.

of

of ſovereignty, eſtabliſhed by the feudal law, he ſeemed CHAP. XIV.
deſirous to take advantage of Edward's weakneſs, and
under that pretence, to confiſcate all his foreign domi- 1324.
nions[f]. After an embaſſy by the earl of Kent, the king's brother, had been tried in vain, queen Iſabella obtained permiſſion to go over to Paris, and endeavour to adjuſt, in an amicable manner, the difference with her brother: But while ſhe was making ſome progreſs in this negociation, Charles ſtarted a new pretenſion, the juſtice of which could not be diſputed, that Edward himſelf ſhould appear in his court, and do homage for the fees which he held in France. But there occurred many difficulties in complying with this demand. Young Spenſer, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aſpired to the ſame influence; and though that artful princeſs, on her leaving England, had diſſembled her animoſity, Spenſer, well acquainted with her ſecret ſentiments, was unwilling to attend his maſter to Paris, and appear in a court, where her credit might expoſe him to inſults, if not to danger. He heſitated no leſs on allowing the king to make the journey alone; both fearing, leſt that eaſy prince ſhould in his abſence fall under other influence, and foreſeeing the perils, to which he himſelf ſhould be expoſed, if, without the protection of royal authority, he remained in England, where he was ſo generally hated. While theſe doubts occaſioned delays and difficulties, Iſa- 1325.
bella propoſed, that Edward ſhould reſign the dominion of Guienne to his ſon, now thirteen years of age; and that the prince ſhould come to Paris, and do the homage which every vaſſal owed to his ſuperior lord. This expedient, which ſeemed ſo happily to remove all difficulties, was immediately embraced: Spenſer was charmed with the contrivance: Young Edward was ſent to Paris: And the

[f] Rymer, vol. iv. p. 74. 98.

ruin,

CHAP. XIV.

ruin, covered under this fatal snare, was never perceived or suspected, by any of the English council.

1325. THE queen on her arrival in France, had there found a great number of English fugitives, the remains of the Lancastrian faction; and their common hatred of Spenser soon begat a secret friendship and correspondence between them and that princess. Among the rest was young Roger Mortimer, a potent baron in the Welsh marches, who had been obliged, with others, to make his submissions to the king, had been condemned for high treason; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was so fortunate as to make his escape into France [g]; and being one of the most considerable persons now remaining of the party, as well as distinguished by his violent animosity against Spenser, he was easily admitted to pay his court to queen Isabella. The graces of his person and address advanced him quickly in her affections: He became her confident and counsellor in all her measures: And gaining ground daily upon her heart, he engaged her to sacrifice at last, to her passion, all the sentiments of honour and of fidelity to her husband [h]. Hating now the man, whom she had injured, and whom she never valued, she entered ardently into all Mortimer's conspiracies; and having artfully gotten into her hands the young prince, and heir of the monarchy, she resolved on the utter ruin of the king, as well as of his favourite. She engaged her brother to take part in the same criminal purpose: Her court was daily filled with the exiled barons: Mortimer lived in the most declared intimacy with her: A correspondence was secretly carried on with the malcontent party in England: And when Edward, informed of those alarming circumstances, required

Conspiracy against the king.

[g] Rymer, vol. iv. p. 7, 8. 20. T. de la More, p. 596. Walsing. p. 120. Ypod. Neust. p. 506. [h] T. de la More, p. 598. Murimuth, p. 65.

her

her ſpeedily to return with the prince, ſhe publicly replied, that ſhe would never ſet foot in the kingdom, till Spenſer was for ever removed from his preſence and councils: A declaration, which procured her great popularity in England, and threw a decent veil over all her treaſonable enterprizes. CHAP. XIV. 1325.

EDWARD endeavoured to put himſelf in a poſture of defence [1]; but, beſides the difficulties ariſing from his own indolence and ſlender abilities, and the want of authority, which of conſequence attended all his reſolutions, it was not eaſy for him, in the preſent ſtate of the kingdom and revenue, to maintain a conſtant force ready to repel an invaſion, which he knew not at what time or place he had reaſon to expect. All his efforts were unequal to the traiterous and hoſtile conſpiracies, which, both at home and abroad, were forming againſt his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his ſiſter-in-law, and by the king of France, who was alſo his couſin-german, to give countenance to the invaſion, whoſe ſole object, he believed, was the expulſion of the Spenſers: He prevailed on his elder brother, the earl of Norfolk, to enter ſecretly into the ſame deſign: The earl of Leiceſter, brother and heir of the earl of Lancaſter, had too many reaſons for his hatred of theſe miniſters, to refuſe his concurrence. Walter de Reynel, archbiſhop of Canterbury, and many of the prelates, expreſſed their approbation of the queen's meaſures: Several of the moſt potent barons, envying the authority of the favourite, were ready to fly to arms: The minds of the people, by means of ſome truths and many calumnies, were ſtrongly diſpoſed to the ſame party: And there needed but the appearance of the queen and prince, with ſuch a body of foreign troops, as Inſurrections.

[1] Rymer, vol. iv. p. 184. 188. 225.

CHAP. XIV.

might protect her againſt immediate violence, to turn all this tempeſt, ſo artfully prepared, againſt the unhappy Edward.

1326. CHARLES, though he gave countenance and aſſiſtance to the faction, was aſhamed openly to ſupport the queen and prince, againſt the authority of a huſband and father; and Iſabella was obliged to court the alliance of ſome other foreign potentate, from whoſe dominions ſhe might ſet out on her intended enterprize. For this purpoſe, ſhe affianced young Edward, whoſe tender age made him incapable to judge of the conſequences, with Philippa, daughter of the count of Holland and Hainault [k]; and having, by the open aſſiſtance of this prince, and the ſecret protection of her brother, inliſted in her ſervice near 3000 men, ſhe ſet ſail from the harbour of Dort, and landed ſafely, and without oppoſition, on the coaſt of Suf-
24th Sept. folk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk, and the earl of Leiceſter, joined her ſoon after her landing with all their followers: Three prelates, the biſhops of Ely, Lincoln, and Hereford, brought her both the force of their vaſſals and the authority of their character [l]: Even Robert de Watteville, who had been ſent by the king to oppoſe her progreſs in Suffolk, deſerted to her with all his forces. To render her cauſe more favourable, ſhe renewed her declaration, that the ſole purpoſe of her enterprize was to free the king and kingdom from the tyranny of the Spenſers, and of chancellor Baldoc, their creature [m]. The populace were allured by her ſpecious pretences: The barons thought themſelves ſecure againſt forfeitures by the appearance of the prince in her army:

[k] T. de la More, p. 598. [l] Walſing. p. 123. Ypod. Neuſt. p. 507. T. de la More, p. 598. Murimuth, p. 66. [m] Ypod. Neuſt. p. 508.

And

And a weak irresolute king, supported by ministers gene- CHAP. XIV.
rally odious, was unable to stem this torrent, which bore with such irresistible violence against him. 1326.

EDWARD, after trying in vain to rouze the citizens of London to some sense of duty [n], departed for the west, where he hoped to meet with better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without controul against him and his ministers. They first plundered, then murdered all those who were obnoxious to them: They seized the bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets; and having beheaded him, they threw his body into the river [o]. They made themselves masters of the Tower by surprize; then entered into a formal association to put to death, without mercy, every one who should dare to oppose the enterprize of queen Isabella, and of the prince [p]. A like spirit was soon communicated to all other parts of England; and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

EDWARD was hotly pursued to Bristol by the earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts; and he passed over to Wales, where, he flatttered himself, his name was more popular, and which he hoped to find uninfected with the contagion of general rage, which had seized the English [q]. The elder Spenser, created earl of Wincheſter, was left governor of the castle of Bristol; but the garrison mutinied against him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached his ninetieth year, was instantly, without

[n] Walsing. p. 123. Murimuth, p. 66. p. 67.
[o] Walsing. p. 124. T. de la More, p. 599.
[p] Walsing. p. 124.
[q] Murimuth,

CHAP. XIV.

trial, or witneſs, or accuſation, or anſwer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs[r]; and his head was ſent to Wincheſter, the place whoſe title he bore, and was there ſet on a pole, and expoſed to the inſults of the populace.

1326.

THE king, diſappointed anew in his expectations of ſuccour from the Welſh, took ſhipping for Ireland; but being driven back by contrary winds, he endeavoured to conceal himſelf in the mountains of Wales: He was ſoon diſcovered, was put under the cuſtody of the earl of Leiceſter, and was confined in the caſtle of Kenilworth. The younger Spenſer, his favourite, who alſo fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial[s]: The earl of Arundel, almoſt the only man of his rank in England, who had maintained his loyalty, was, without any trial, put to death at the inſtigation of Mortimer: Baldoc, the chancellor, being a prieſt, could not with ſafety be ſo ſuddenly diſpatched; but being ſent to the biſhop of Hereford's palace in London, he was there, as his enemies probably foreſaw, ſeized by the populace, was thrown into Newgate, and ſoon after expired, from the cruel uſage which he had received[t]. Even the uſual reverence, paid to the ſacerdotal character, gave way, with every other conſideration, to the preſent rage of the people.

The king dethroned.

THE queen, to avail herſelf of the prevailing deluſion, ſummoned, in the king's name, a parliament at Weſtminſter; where, together with the power of her army, and the authority of her partizans among the barons, who were concerned to ſecure their paſt treaſons by commit-

[r] Leland's Coll. vol. i. p. 673. T. de la More, p. 599. Walſing. p. 125. M. Froiſſart, liv. i. chap. 13.

[s] Walſing. p. 125. Ypod. Neuſt. p. 508.

[t] Walſing. p. 126. Murimuth, p. 68.

CHAP. XIV.

1327. 13th Jan.

ting new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge was drawn up against the king, in which, even though it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of treason, were laid to his account [u]. It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or to reason: The deposition of the king, without any appearing opposition, was voted by parliament: The prince, already declared regent by his party [w], was placed on the throne: And a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces and terror soon extorted from him.

But it was impossible, that the people, however corrupted by the barbarity of the times, still farther enflamed by faction, could for ever remain insensible to the voice of nature. Here, a wife had first deserted, next invaded, and then dethroned her husband; had made her minor son an instrument in this unnatural treatment of his father; had by lying pretences seduced the nation into a rebellion against their sovereign; had pushed them into violence and cruelties, that had dishonoured them: All those circumstances were so odious in themselves, and

u Knyghton, p. 2765, 2766. Brady's App. No. 72.
w Rymer, vol. iv. p. 137. Walsing. p. 125.

CHAP. XIV.

1327. formed such a complicated scene of guilt, that the least reflection sufficed to open men's eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, encreased the general abhorrence against her; and her hypocrisy, in publicly bewailing with tears the king's unhappy fate [x], was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration: And men became sensible, that all his misconduct, which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity of his character. The earl of Leicester, now earl of Lancaster, to whose custody he had been committed, was soon touched with those generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honourable intentions in his favour. The king, therefore, was taken from his hands, and delivered over to lord Berkeley, and Mautravers, and Gournay, who were entrusted alternately, each for a month, with the charge of guarding him. While he was in the custody of Berkeley, he was still treated with the gentleness due to his rank and his misfortunes; but when the turn of Mautravers and Gournay came, every species of indignity was practised against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instruments of his murder [y]. It is reported, that one day, when Edward was to be shaved, they ordered

[x] Walsing. p. 126. [y] Anonymi Hist. p. 838.

cold

CHAP. XIV.

cold and dirty water to be brought from the ditch for that purpose; and when he desired it to be changed, and was still denied his request, he burst into tears, which bedewed his cheeks; and he exclaimed, that, in spite of their insolence, he should be shaved with clean and warm water [z]. But as this method of laying Edward in his grave appeared still too slow to the impatient Mortimer, he secretly sent orders to the two keepers, who were at his devotion, instantly to dispatch him; and these ruffians contrived to make the manner of his death as cruel and barbarous as possible. Taking advantage of Berkeley's sickness, in whose custody he then was, and who was thereby incapacitated from attending his charge [a]; they came to Berkeley-castle, and put themselves in possession of the king's person. They threw him on a bed; held him down violently with a table, which they flung over him; thrust into his fundament a red-hot iron, which they inserted through a horn; and though the outward marks of violence upon his person were prevented by this expedient, the horrid deed was discovered to all the guards and attendants by the screams, with which the agonizing king filled the castle, while his bowels were consuming. 1327. 21st Sept. The king murdered.

Gournay and Mautravers were held in general detestation; and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the seneschal of Guienne, put on board a ship with a view of carrying him to England; but he was beheaded at sea, by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any discovery, which he might make of his accomplices. Mautravers concealed himself for several years in Ger-

[z] T. de la More, p. 602. [a] Cotton's Abridg. p. 8.

CHAP. XIV.

many; but having found means of rendering some service to Edward III. he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon [b].

1327.

His character.

It is not easy to imagine a man more innocent and inoffensive than the unhappy king, whose tragical death we have related; nor a prince less fitted for governing that fierce and turbulent people, subjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The same indolence and want of penetration led him to make choice of ministers and favourites, who were not always the best qualified for the trust committed to them: The seditious grandees, pleased with his weakness, yet complaining of it; under pretence of attacking his ministers, insulted his person and invaded his authority: And the impatient populace, mistaking the source of their grievances, threw all the blame upon the king, and encreased the public disorders by their faction and violence. It was in vain to look for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms: What could not defend the king was less able to give shelter to any of the people: The whole machine of government was torne in pieces with fury and violence: And men, instead of regretting the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person who had the misfortune to be entrusted with the reins of empire.

But though such mistakes are natural and almost unavoidable while the events are recent, it is a shameful delusion in modern historians, to imagine, that all the ancient princes, who were unfortunate in their government, were also tyrannical in their conduct, and that the

[b] Cotton's Abridg. p. 66. 81. Rymer, vol. v. p. 600.

seditions

CHAP. XIV.

seditions of the people always proceeded from some invasion of their privileges by the monarch. Even a great and a good king was not in that age secure against faction and rebellion, as appears in the case of Henry II.; but a great king had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I. and II. The father made several violent attempts against the liberties of the people: His barons opposed him: He was obliged, at least found it prudent, to submit: But as they dreaded his valour and abilities, they were content with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw every thing into confusion: The laws and government were overturned: An attempt to reinstate them was an unpardonable crime: And no atonement, but the deposition and tragical death of the king himself, could give those barons contentment. It is easy to see, that a constitution, which depended so much on the personal character of the prince, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the sovereign, would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: As if the turbulence of the great, and madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well regulated constitution. 1327.

Miscellaneous transactions during this reign.

WHILE these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights templars had arisen during the first fervour of the Crusades; and uniting the two qualities the most popular in that age, devotion and valour, and exercising both in the most popular of all enterprizes, the defence

CHAP. XIV.

1327. fence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, ample poſſeſſions in every country of Europe, eſpecially in France. Their great riches, joined to the courſe of time, had, by degrees, relaxed the ſeverity of theſe virtues; and the templars had in a great meaſure loſt that popularity, which firſt raiſed them to honour and diſtinction. Acquainted from experience with the fatigues and dangers of thoſe fruitleſs expeditions to the Eaſt, they rather choſe to enjoy in eaſe their opulent revenues in Europe: And being all men of birth, educated, according to the cuſtom of that age, without any tincture of letters, they ſcorned the ignoble occupations of a monaſtic life, and paſſed their time wholly in the faſhionable amuſements of hunting, gallantry, and the pleaſures of the table. Their rival order, that of St. John of Jeruſalem, whoſe poverty had as yet preſerved them from like corruptions, ſtill diſtinguiſhed themſelves by their enterprizes againſt the Infidels, and ſucceeded to all the popularity, which was loſt by the indolence and luxury of the templars. But though theſe reaſons had weakened the foundations of this order, once ſo celebrated and revered, the immediate cauſe of their deſtruction proceeded from the cruel and vindictive ſpirit of Philip the Fair, who, having entertained a private diſguſt againſt ſome eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in an undiſtinguiſhed ruin. On no better information, than that of two knights, condemned by their ſuperiors to perpetual impriſonment for their vices and profligacy; he ordered on one day all the templars in France to be committed to priſon, and imputed to them ſuch enormous and abſurd crimes, as are ſufficient of themſelves to deſtroy all the credit of the accuſation. Beſides their being univerſally charged with murder, robbery,

and

and vices the most shocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to spit upon the cross [c], and to join to this impiety the superstition of worshipping a gilded head, which was secretly kept in one of their houses at Marseilles. They also initiated, it was said, every candidate by such infamous rites, as could serve to no other purpose, than to degrade the order in his eyes, and destroy for ever the authority of all his superiors over him [d]. Above a hundred of these unhappy gentlemen were put to the question, in order to extort from them a confession of their guilt: The more obstinate perished in the hands of their tormentors: Several, to procure immediate ease in the violence of their agonies, acknowledged whatever was required of them: Forged confessions were imputed to others: And Philip, as if their guilt were now certain, proceeded to a confiscation of all their treasures. But no sooner were the templars relieved from their tortures, than, preferring the most cruel execution to a life with infamy, they disavowed their confessions, exclaimed against the forgeries, justified the innocence of their order, and appealed to all the gallant actions, performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this disappointment, and thinking himself now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapsed heretics, to perish by the punishment of fire in his capital: Great numbers expired after a like manner in other parts of the kingdom: And when he found, that the perseverance of these unhappy victims, in justifying to the last their innocence, had made deep impression on the spectators, he endeavoured to overcome the constancy of the templars by new inhu-

1327.

[c] Rymer, vol. iii. p. 31. 101.

[d] It was pretended, that he kissed the knights who received him on the mouth, navel, and breech. Dupuy, p. 15, 16. Wals. p. 99.

CHAP. XIV.

manities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphiny, were conducted to a scaffold, erected before the church of Notredame, at Paris: A full pardon was offered them on the one hand: The fire, destined for their execution, was shown them on the other: These gallant nobles still persisted in the protestations of their own innocence and that of their order; and were instantly hurried into the flames by the executioner [e].

1327.

In all this barbarous injustice, Clement V. who was the creature of Philip, and then resided in France, fully concurred; and without examining a witness, or making any enquiry into the truth of facts, he, summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison; their conduct underwent a strict scrutiny; the power of their enemies still pursued and oppressed them; but no where, except in France, were the smallest traces of their guilt pretended to be found. England sent an ample testimony of their piety and morals; but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the pope, transferred to the order of St. John [f]. We now proceed to relate some other detached transactions of the present period.

The kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather, not only destroyed the harvest, but bred a mortality among the cattle, and raised every kind of food to an enormous price [g]. The parliament, in 1315, endeavoured to fix more moderate rates to commodities; not sensible that such an attempt was impracticable, and that, were it possible to reduce the price of provisions

[e] Vertot, vol. ii. p. 142. vol. iv. p. 47. Ypod. Neust. p. 506.

[f] Rymer, vol. iii. p. 323. 956.

[g] Trivet, cont. p. 17, 18.

by

by any other expedient than by introducing plenty, nothing could be more pernicious and deſtructive to the public. Where the produce of a year, for inſtance, falls ſo far ſhort, as to afford full ſubſiſtance only for nine months, the only expedient for making it laſt all the twelve, is to raiſe the prices, to put the people by that means on ſhort allowance, and oblige them to ſave their food, till a more plentiful ſeaſon. But in reality, the encreaſe of prices is a neceſſary conſequence of ſcarcity; and laws, inſtead of preventing it, only aggravate the evil, by cramping and reſtraining commerce. The parliament accordingly, in the enſuing year, repealed their ordinance, which they had found uſeleſs and burdenſome [h]. 1327.

THE prices affixed by the parliament are ſomewhat remarkable: Three pounds twelve ſhillings of our preſent money for the beſt ſtalled ox; for other oxen, two pounds eight ſhillings: A fat hog of two years old, ten ſhillings: A fat wether unſhorn, a crown; if ſhorn, three ſhillings and ſix-pence: A fat gooſe, ſeven-pence halfpenny: A fat capon, ſix-pence: A fat hen, three-pence: Two chickens, three-pence: Four pigeons, three-pence: Two dozen of eggs, three-pence [i]. If we conſider theſe prices, we ſhall find, that butcher's meat, in this time of great ſcarcity, muſt ſtill have been ſold, by the parliamentary ordinance, three times cheaper than our middling prices at preſent: Poultry ſomewhat lower; becauſe, being now conſidered as a delicacy, it has riſen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at preſent as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the compariſon of prices is ſtill more conſiderable: I ſuppoſe that the rates, affixed by

[h] Walſ. p. 107. Knyght. p. 502.

[i] Rot. Parl. 7 Edw. II. n. 35, 36. Ypod.

parliament,

CHAP. XIV.

parliament, were inferior to the usual market prices in those years of famine and mortality of cattle; and that

1327. these commodities, instead of a third, had really risen to a half of the present value. But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter [k], usually for three pounds [l]; that is, twice our middling prices. A certain proof of the wretched state of tillage in those ages. We formerly found, that the middling price of corn in that period was half of the present price; while the middling price of cattle was only an eighth part: We here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory, which few in that age could practise with advantage: And there is reason to think, that other manufactures more refined, were sold even beyond their present prices: At least there is a demonstration for it in the reign of Henry VII. from the rates affixed to scarlet and other broad cloth by act of parliament. During all those times, it was usual for the princes and great nobility to make settlements of their velvet beds and silken robes, in the same manner as of their estates and manors [m]. In the list of jewels and plate, which had belonged to the ostentatious Gavaston, and which the king recovered from the earl of Lancaster after the murder of that favourite, we find some embroidered girdles, flowered shirts, and silk waistcoats [n]. It was afterwards one article of accusation against that potent and opulent earl, when he was put to death, that he had purloined some of that finery of Gavaston's. The ignorance of those ages in manufactures, and still more, their unskilful husbandry, seem a clear proof that the country was then far from being populous.

[k] Murimuth, p. 48. Walsingham, p. 108, says it rose to fix pounds.
[l] Ypod. Neust. p. 502. Trivet, cont. p. 18.
[m] Dugdale passim. [n] Rymer, vol. iii. p. 388.

ALL

CHAP. XIV.

1327.

ALL trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they ſeem to have riſen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by the king, and was deſired to break off commerce with the Scots, whom Edward called his rebels, and repreſented as excommunicated on that account by the church, the earl replied, that Flanders was always conſidered as common, and free and open to all nations [o].

THE petition of the elder Spenſer to parliament, complaining of the devaſtation committed on his lands by the barons, contains ſeveral particulars, which are curious, and diſcover the manners of the age [p]. He affirms, that they had ravaged ſixty-three manors belonging to him, and he makes his loſſes amount to 46,000 pounds; that is, to 138,000 of our preſent money. Among other particulars, he enumerates 28,000 ſheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horſes, 2000 hogs, together with 600 bacons, 80 carcaſſes of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men, and other warlike engines and proviſions. The plain inference is, that the greater part of Spenſer's vaſt eſtate, as well as the eſtates of the other nobility, was farmed by the landlord himſelf, managed by his ſtewards or bailiffs, and cultivated by his villains. Little or none of it was let on leaſe to huſbandmen: Its produce was conſumed in ruſtic hoſpitality by the baron or his officers: A great number of idle retainers, ready for any diſorder or miſchief, were maintained by him: All who lived upon his eſtate were abſolutely at his diſpoſal: Inſtead of applying to courts of juſtice, he uſually ſought redreſs by open force and vio-

[o] Rymer, vol. iii. p. 770.

[p] Brady's hiſt. vol. ii. p. 143, from Clauſ. 15 Edw. II. M. 14. Dors. in cedula.

lence:

CHAP. XIV. 1327.

lence: The great nobility were a kind of independant potentates, who, if they ſubmitted to any regulations at all, were leſs governed by the municipal law, than by a rude ſpecies of the law of nations. The method, in which we find they treated the king's favourites and miniſters, is a proof of their uſual way of dealing with each other. A party, which complains of the arbitrary conduct of miniſters, ought naturally to affect a great regard for the laws and conſtitution, and maintain at leaſt the appearance of juſtice in their proceedings: Yet thoſe barons, when diſcontented, came to parliament with an armed force, conſtrained the king to aſſent to their meaſures, and without any trial or witneſs or conviction, paſſed, from the pretended notoriety of facts, an act of baniſhment or attainder againſt the miniſter, which, on the firſt revolution of fortune, was reverſed by like expedients. The parliament, during factious times, was nothing but the organ of preſent power. Though the perſons, of whom it was chiefly compoſed, ſeemed to enjoy great independance, they really poſſeſſed no true liberty; and the ſecurity of each individual among them, was not ſo much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, though far from abſolute, was irregular, and might often reach him: The current of a faction might overwhelm him: A hundred conſiderations, of benefits and injuries, friendſhips and animoſities, hopes and fears, were able to influence his conduct; and amidſt theſe motives a regard to equity and law and juſtice was commonly, in thoſe rude ages, of little moment. Nor did any man entertain thoughts of oppoſing preſent power, who did not deem himſelf ſtrong enough to diſpute the field with it by force, and was not prepared to give battle to the ſovereign or the ruling party.

BEFORE

CHAP. XIV.

1327.

BEFORE I conclude this reign, I cannot forbear making another remark, drawn from the detail of loſſes given in by the elder Spenſer; particularly, the great quantity of ſalted meat which he had in his larder, 600 bacons, 80 carcaſſes of beef, 600 muttons. We may obſerve that the outrage, of which he complained, began after the third of May, or the eleventh new ſtyle, as we learn from the ſame paper. It is eaſy therefore to conjecture what a vaſt ſtore of the ſame kind he muſt have laid up at the beginning of winter; and we may draw a new concluſion with regard to the wretched ſtate of ancient huſbandry, which could not provide ſubſiſtance for the cattle during winter, even in ſuch a temperate climate as the ſouth of England: For Spenſer had but one manor ſo far north as Yorkſhire. There being few or no incloſures, except perhaps for deer, no ſown graſs, little hay, and no other reſource for feeding cattle; the barons, as well as the people, were obliged to kill and ſalt their oxen and ſheep in the beginning of winter, before they became lean upon the common paſture: A precaution ſtill practiſed with regard to oxen in the leaſt cultivated parts of this iſland. The ſalting of mutton is a miſerable expedient, which has every where been long diſuſed. From this circumſtance, however trivial in appearance, may be drawn important inferences, with regard to the domeſtic œconomy and manner of life in thoſe ages.

THE diſorders of the times, from foreign wars and inteſtine diſſentions, but above all, the cruel famine, which obliged the nobility to diſmiſs many of their retainers, encreaſed the number of robbers in the kingdom; and no place was ſecure from their incurſions [s]. They met in troops like armies, and over-ran the country. Two cardinals, themſelves, the pope's legates, notwithſtanding the numerous train, which attended them, were

[s] Ypod. Neuſt. p. 502. Walſ. p. 107.

CHAP. XIV.

robbed, and despoiled of their goods and equipage, when they travelled on the high-way [t].

1327. Among the other wild fancies of the age, it was imagined, that the persons affected with leprosy, a disease at that time very common, probably from bad diet, had conspired with the Saracens to poison all the springs and fountains; and men being glad of any pretence to get rid of those who were a burthen to them, many of those unhappy people were burnt alive on this chimerical imputation. Several Jews also were punished in their persons, and their goods were confiscated on the same account [u].

Stowe, in his survey of London, gives us a curious instance of the hospitality of the ancient nobility in this period: It is taken from the accounts of the cofferer or steward of Thomas earl of Lancaster, and contains the expences of that earl during the year 1313, which was not a year of famine. For the pantry, buttery, and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that, is near 22,000 pounds of our present money; and making allowance for the cheapness of commodities, near a hundred thousand pounds.

I have seen a French manuscript, containing accounts of some private disbursements of this king. There is an article, among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an easy undertaking.

This king left four children, two sons and two daughters: Edward, his eldest son and successor; John, created afterwards earl of Cornwal, who died young at Perth; Jane, afterwards married to David Bruce, king of Scotland; and Eleanor, married to Reginald, count of Gueldres.

[t] Ypod. Neust. p. 503. T. de la More, p. 594. Trivet, cont. p. 22. Murimuth, p. 51. [u] Ypod. Neust. p. 504.

CHAP XV.

EDWARD III.

War with Scotland——Execution of the Earl of Kent——Execution of Mortimer, earl of March——State of Scotland——War with that kingdom——King's claim to the crown of France——Preparations for war with France——War——Naval victory——Domeſtic diſturbances——Affairs of Britanny——Renewal of the war with France——Invaſion of France——Battle of Crecy——War with Scotland——Captivity of the king of Scots——Calais taken.

THE violent party, which had taken arms againſt Edward II. and finally depoſed that unfortunate monarch, deemed it requiſite for their future ſecurity to pay ſo far an exterior obeiſance to the law, as to deſire a parliamentary indemnity for all their illegal proceedings; on account of the neceſſity, which, it was pretended, they lay under, of employing force againſt the Spenſers and other evil counſellors, enemies of the kingdom. All the attainders alſo, which had paſſed againſt the earl of Lancaſter and his adherents, when the chance of war turned againſt them, were eaſily reverſed during the triumph of their party [w]; and the Spenſers, whoſe former attainder had been reverſed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewiſe appointed by parliament, conſiſting of twelve perſons; five prelates, the archbiſhops of Canterbury and York,

CHAP. XV. 1327. 20th Jan.

[w] Rymer, vol. iv. p. 245. 257, 258, &c.

CHAP. XV.

1327. the biſhops of Wincheſter, Worceſter, and Hereford; and ſeven lay peers, the earls of Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Piercy, and Roſs. The earl of Lancaſter was appointed guardian and protector of the king's perſon. But though it was reaſonable to expect, that, as the weakneſs of the former king had given reins to the licentiouſneſs of the barons, great domeſtic tranquillity would not prevail during the preſent minority; the firſt diſturbance aroſe from an invaſion by foreign enemies.

War with Scotland.

THE king of Scots, declining in years and health, but retaining ſtill that martial ſpirit, which had raiſed his nation from the loweſt ebb of fortune, deemed the preſent opportunity favourable for infeſting England. He firſt made an attempt on the caſtle of Norham, in which he was diſappointed; he then collected an army of 25,000 men on the frontiers, and having given the command to the earl of Murray and lord Douglas, threatened an incurſion into the northern counties. The Engliſh regency, after trying in vain every expedient to reſtore peace with Scotland, made vigorous preparations for war; and beſides aſſembling an Engliſh army of near ſixty thouſand men, they invited back John Hainault, and ſome foreign cavalry, whom they had diſmiſſed, and whoſe diſcipline and arms had appeared ſuperior to thoſe of their own country. Young Edward himſelf, burning with a paſſion for military fame, appeared at the head of theſe numerous forces; and marched from Durham, the appointed place of rendezvous, in queſt of the enemy, who had already broken into the frontiers, and were laying every thing waſte around them.

MURRAY and Douglas were the two moſt celebrated warriors, bred in the long hoſtilities between the Scots and Engliſh; and their forces, trained in the ſame ſchool, and enured to hardſhips, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for

CHAP. XV.

1327.

for that desultory and destructive war, which they carried into England. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light-armed troops, mounted on small horses, which found subsistance every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oat-meal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the meal into a cake, in the open fields. But his chief subsistance was the cattle which he seized; and his cookery was as expeditious as all his other operations. After fleaing the animal, he placed the skin, loose and hanging in the form of a bag, upon some stakes; he poured water into it, kindled a fire below, and thus made it serve as a caldron for the boiling of his victuals [x].

The chief difficulty which Edward met with, after composing some dangerous frays, which broke out between his foreign forces and the English [y], was to come up with an army so rapid in its marches, and so little incumbered in its motions. Though the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found, upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harassing his army during some time in this fruitless chace, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations [z]. But that whole country was already so much wasted by their frequent incursions, that

x Froissard, liv. iv. chap. 18.

y Ibid. liv. i. chap. 17.

z Ibid. liv. iv. chap. 19.

CHAP. XV.

1327. it could not afford subsistance to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and though he promised the reward of a hundred pounds a year to any one who should bring him an account of their motions, he remained unactive some days, before he received any intelligence of them [a]. He found at last, that they had fixed their camp on the southern banks of the Were, as if they intended to await a battle; but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, saw it impracticable, without temerity, to cross the river in their front, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravadoe, and he advised the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the counsel of an enemy in any of his operations. The king, therefore, kept still his position opposite to the Scots; and daily expected, that necessity would oblige them to change their quarters, and give him an opportunity of overwhelming them with superior forces. After a few days, they suddenly decamped, and marched farther up the river; but still posted themselves in such a manner, as to preserve the advantage of the ground, if the enemy should venture to attack them [b]. Edward insisted, that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the attack, and opposed itself to the valour of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the English. Douglas, having gotten the

[a] Rymer, vol. iv. p. 312. Froissard, liv. iv. chap. 19. [b] Froissard, liv. iv. chap. 19.

word,

word, and ſurveyed exactly the ſituation of the Engliſh camp, entered it ſecretly in the night-time, with a body of two hundred determined ſoldiers, and advanced to the royal tent, with a view of killing or carrying off the king, in the midſt of his army. But ſome of Edward's attendants, awaking in that critical moment, made reſiſtance; his chaplain and chamberlain ſacrificed their lives for his ſafety; the king himſelf, after making a valorous defence, eſcaped in the dark: And Douglas, having loſt the greater part of his followers, was glad to make a haſty retreat with the remainder [c]. Soon after, the Scottiſh army decamped without noiſe in the dead of night; and having thus gotten the ſtart of the Engliſh, arrived without farther loſs in their own country. Edward, on entering the place of the Scottiſh encampment, found only ſix Engliſhmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen [d].

CHAP. XV. 1327.

THE king was highly incenſed at the diſappointment, which he had met with, in his firſt enterprize, and at the head of ſo gallant an army. The ſymptoms, which he had diſcovered of bravery and ſpirit, gave extreme ſatisfaction, and were regarded as ſure prognoſtics of an illuſtrious reign: But the general diſpleaſure fell violently on Mortimer, who was already the object of public odium: And every meaſure, which he purſued, tended to aggravate, beyond all bounds, the hatred of the nation both againſt him and queen Iſabella.

WHEN the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to enſure a place in it; but this ſemblance of moderation was only a cover to the moſt iniquitous and moſt ambitious projects. He rendered that council entirely uſeleſs by uſurping to himſelf the whole ſovereign authority;

[c] Froiſſard, liv. iv. chap. 19. Hemingford, p. 268. Ypod. Neuſt. p. 509. Knyghton, p. 2552.

[d] Froiſſard, liv. iv. chap. 19.

CHAP. XV.

he settled on the queen-dowager the greater part of the royal revenues; he never consulted either the princes of
1327. the blood, or the nobility in any public measure; the king himself was so besieged by his creatures, that no access could be procured to him; and all the envy, which had attended Gavaston and Spenser, fell much more deservedly on the new favourite.

1328. MORTIMER, sensible of the growing hatred of the people, thought it requisite, on any terms, to secure peace abroad; and he entered into a negociation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer, besides stipulating a marriage between Jane, sister of Edward, and David, the son and heir of Robert, consented to resign absolutely this claim, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as independant sovereign of Scotland[e]. In return for these advantages, Robert stipulated the payment of 30,000 marks to England. This treaty was ratified by parliament[f]; but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I. and deeming themselves disgraced by the successful resistance made by so inferior a nation, were disappointed by this treaty, in all future hopes both of conquest and of vengeance.

THE princes of the blood, Kent, Norfolk, and Lancaster, were much united in their councils; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended by an armed force, an illegal but usual practice in that age. The three earls, as they approached to

[e] Rymer, p. 337. Heming. p. 270. Anon. Hist. p. 392. [f] Ypod. Neust. p. 519.

Saliſbury, the place appointed for the meeting of parliament, found, that, though they themſelves, in obedience to the king's command, had brought only their uſual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with ſome reaſon to apprehend a dangerous deſign againſt their perſons. They retreated, aſſembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakneſs of Kent and Norfolk, who deſerted the common cauſe, obliged Lancaſter alſo to make his ſubmiſſions [g]. The quarrel, by the interpoſition of the prelates, ſeemed for the preſent to be appeaſed. CHAP. XV. 1328.

But Mortimer, in order to intimidate the princes, determined to have a victim; and the ſimplicity, with the good intentions of the earl of Kent, afforded him ſoon after an opportunity of practiſing upon him. By himſelf and his emiſſaries, he endeavoured to perſuade that prince, that his brother, king Edward, was ſtill alive, and detained in ſome ſecret priſon in England. The earl, whoſe remorſes for the part which he had acted againſt the late king, probably inclined him to give credit to this intelligence, entered into a deſign of reſtoring him to liberty, of re-inſtating him on the throne, and of making thereby ſome atonement for the injuries which he himſelf had unwarily done him [h]. After this harmleſs contrivance had been allowed to proceed a certain length, the earl was ſeized by Mortimer, was accuſed before the parliament, and condemned by thoſe ſlaviſh, though turbulent barons, to loſe his life and fortune. The queen and Mortimer, apprehenſive of young Edward's lenity towards his uncle, hurried on the execution, and the priſoner was beheaded next day: But ſo general was the 1329. 1330. 9th March. Execution of the earl of Kent.

[g] Knyghton, p. 2554. [h] Aveſbury, p. 8. Anon. Hiſt. p. 395.

affection

CHAP. XV.

1330. affection borne him, and such pity prevailed for his unhappy fate, that, though peers had been easily found to condemn him, it was evening before his enemies could find an executioner to perform the office [i].

The earl of Lancaster, on pretence of his having assented to this conspiracy, was soon after thrown into prison: Many of the prelates and nobility were prosecuted: Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the earl of Kent was seized for his younger son, Geoffrey: The immense fortunes of the Spensers and their adherents were mostly converted to his own use: He affected a state and dignity equal or superior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting past animosities, conspired in their hatred of Mortimer.

It was impossible, that these abuses could long escape the observation of a prince, endowed with so much spirit and judgment as young Edward, who, being now in his eighteenth year, and feeling himself capable of governing, repined at being held in fetters by this insolent minister. But so much was he surrounded by the emissaries of Mortimer, that it behoved him to conduct the project for subverting him, with the same secrecy and precaution, as if he had been forming a conspiracy against his sovereign. He communicated his intentions to lord Mountacute, who engaged the lords Molins and Clifford, Sir John Nevil of Hornby, Sir Edward Bohun, Ufford, and others, to enter into their views; and the castle of Nottingham was chosen for the scene of the enterprize. The queen-dowager and Mortimer lodged in that fortress: The king also was admitted, though with a few only of his attendants: And as the castle was strictly

[i] Heming. p. 271. Ypod. Neust. p. 510. Knyghton, p. 2555.

guarded,

guarded, the gates locked every evening, and the keys carried to the queen, it became neceſſary to communicate the deſign to Sir William Eland, the governor, who zealouſly took part in it. By his direction, the king's aſſociates were admitted through a ſubterraneous paſſage, which had formerly been contrived for a ſecret outlet from the caſtle, but was now buried in rubbiſh; and Mortimer, without having it in his power to make reſiſtance, was ſuddenly ſeized in an apartment adjoining to the queen's [k]. A parliament was immediately ſummoned for his condemnation. He was accuſed before that aſſembly of having uſurped regal power from the council of regency, appointed by parliament; of having procured the death of the late king; of having deceived the earl of Kent into a conſpiracy to reſtore that prince; of having ſolicited and obtained exorbitant grants of the royal demeſnes; of having diſſipated the public treaſure; of ſecreting 20,000 marks of the money paid by the king of Scotland; and of other crimes and miſdemeanors [l]. The parliament condemned him, from the ſuppoſed notoriety of the facts, without trial, or hearing his anſwer, or examining a witneſs; and he was hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable, that this ſentence was near twenty years after reverſed by parliament, in favour of Mortimer's ſon; and the reaſon aſſigned was the illegal manner of proceeding [m]. The principles of law and juſtice were eſtabliſhed in England, not in ſuch a degree as to prevent any iniquitous ſentence againſt a perſon obnoxious to the ruling party; but ſufficient, on the return of his credit, or that of his friends, to ſerve as a reaſon or pretence for its reverſal.

CHAP. XV.

1330.

Execution of Mortimer. 29th Nov.

k Aveſbury, p. 9. 398. Knyghton, p. 2556.

l Brady's App. No. 83. Anon. Hiſt. p. 397,

m Cotton's Abridg. p. 85, 86.

JUSTICE

CHAP. XV.

1331.

JUSTICE was also executed by a sentence of the house of peers, on some of the inferior criminals, particularly on Simon de Bereford: But the Barons, in that act of jurisdiction, entered a protest, that though they had tried Bereford, who was none of their peers, they should not for the future be obliged to receive any such indictment. The queen was confined to her own house at Risings near London: Her revenue was reduced to 4000 pounds a year [n]: And though the king, during the remainder of her life, paid her a decent visit once or twice a year, she never was able to reinstate herself in any credit or authority.

EDWARD, having now taken the reins of government into his own hands, applied himself, with industry and judgment, to redress all those grievances, which had proceeded either from want of authority in the crown, or from the late abuses of it. He issued writs to the judges, enjoining them to administer justice, without paying any regard to arbitrary orders from the ministers: And as the robbers, thieves, murderers, and criminals of all kinds, had, during the course of public convulsions, multiplied to an enormous degree, and were openly protected by the great barons, who made use of them against their enemies, the king, after exacting from the peers a solemn promise in parliament, that they would break off all connexions with such malefactors [o], set himself in earnest to remedy the evil. Many of these gangs had become so numerous, as to require his own presence to disperse them; and he exerted both courage and industry in executing this salutary office. The ministers of justice, from his example, employed the utmost diligence in discovering, pursuing, and punishing the criminals; and this disorder was by degrees corrected, at least palliated; the utmost that could

[n] Cotton's Abridg. p. 10.

[o] Cotton's Abridg.

be

be expected with regard to a diſeaſe, hitherto inherent in the conſtitution. CHAP. XV.

In proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious ſpirit of Edward ſought, and ſoon found, an opportunity of exerting itſelf. The wife and valiant Robert Bruce, who had recovered by arms the independance of his country, and had fixed it by the laſt treaty of peace with England, ſoon after died, and left David his ſon, a minor, under the guardianſhip of Randolf, earl of Murray, the companion of all his victories. It had been ſtipulated in this treaty, that both the Scottiſh nobility, who, before the commencement of the wars, enjoyed lands in England, and the Engliſh who inherited eſtates in Scotland, ſhould be reſtored to their reſpective poſſeſſions [p]: But though this article had been executed pretty regularly on the part of Edward, Robert, who obſerved that the eſtates, claimed by Engliſhmen, were much more numerous and valuable than the others, either thought it dangerous to admit ſo many ſecret enemies into the kingdom, or found it difficult to wreſt from his own followers the poſſeſſions beſtowed on them as the reward of former ſervices: And he had protracted the performance of his part of the ſtipulation. The Engliſh nobles, diſappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even though unſupported by the king of England, became dangerous to the minor prince, who ſucceeded to the Scottiſh throne. 1331. State of Scotland.

Edward Baliol, the ſon of that John, who was crowned king of Scotland, had been detained ſome time a priſoner in England after his father was releaſed; but having alſo obtained his liberty, he went over to France, 1332.

[p] Rymer, vol. iv. p. 384.

and

CHAP. XV.

1332. and resided in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots, and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence, of which he was accused. Lord Beaumont, a great English baron, who, in the right of his wife, claimed the earldom of Buchan in Scotland [q], found him in this situation; and deeming him a proper instrument for his purpose, made such interest with the king of France, who was not aware of the consequences, that he recovered him his liberty, and brought him over with him to England.

THE injured nobles, possessed of such a head, began to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and assistance. But there were several reasons, which deterred the king from openly avowing their enterprize. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapsed, he dreaded the exacting of that penalty by the sovereign pontiff, who possessed so many means of forcing princes to make payment. He was also afraid, that violence and injustice would every where be imputed to him, if he attacked with superior force a minor king, and a brother-in-law, whose independant title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made of restitution to the English barons, had always confessed the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved

[q] Rymer, vol. iv. p. 251.

not to proceed by open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprize; connived at his assembling forces in the north; and gave countenance to the nobles, who were disposed to join in the attempt. A force of near 2500 men was inlisted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. As these adventurers apprehended, that the frontiers would be strongly armed and guarded, they resolved to make their attack by sea; and having embarked at Ravenspur, they reached in a few days the coast of Fife. CHAP. XV. 1332.

SCOTLAND was at that time in a very different situation from that in which it had appeared under the victorious Robert. Besides the loss of that great monarch, whose genius and authority preserved entire the whole political fabric, and maintained an union among the unruly barons, Lord Douglas, impatient of rest, had gone over to Spain in a crusade against the Moors, and had there perished in battle [r]: The earl of Murray, who had long been declining through age and infirmities, had lately died, and had been succeeded in the regency by Donald earl of Marre, a man of much inferior talents: The military spirit of the Scots, though still unbroken, was left without a proper guidance and direction: And a minor king seemed ill qualified to defend an inheritance, which it had required all the consummate valour and abilities of his father to acquire and maintain. But as the Scots were apprized of the intended invasion, great numbers, on the appearance of the English fleet, immediately ran to the shore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with considerable loss [s]. He marched westward

[r] Froissard, liv. 1. chap. 21. p. 131. Knyghton, p. 2560.

[s] Heming. p. 272. Walsing.

into

CHAP. XV.

into the heart of the country; flattering himself that the ancient partizans of his family would declare for him.

1332. But the fierce animosities, which had been kindled between the two nations, inspiring the Scots with a strong prejudice against a prince supported by the English, he was regarded as a common enemy; and the regent found no difficulty in assembling a great army to oppose him. It is pretended, that Marre had no less than 40,000 men under his banners; but the same hurry and impatience, that made him collect a force, which from its greatness was so disproportioned to the occasion, rendered all his motions unskilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol passed the river in the night-time; attacked the unguarded and undisciplined Scots; threw them into confusion, which was encreased by the darkness and by their very numbers to which they trusted; and he beat them off the field with great slaughter [t]. But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honour of the day. Their eager passions urged them precipitately to battle, without regard to some broken ground, which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and anew chaced them off the field with redoubled slaughter. There fell above 12,000 Scots in this action; and among these the flower of their nobility; the regent himself, the earl of Carric, a natural son of their late king, the earls of Athole and Monteith, lord Hay of Errol, constable, and the lords Keith and Lindsey. The loss of the Eng-

11th Aug.

[t] Knyghton, p. 2561.

lish

liſh ſcarcely exceeded thirty men; a ſtrong proof, among many others, of the miſerable ſtate of military diſcipline in thoſe ages [u]. 1332.

BALIOL ſoon after made himſelf maſter of Perth; but ſtill was not able to bring over any of the Scots to his party. Patric Dunbar, earl of March, and Sir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottiſh armies, which amounted ſtill to near 40,000 men; and they purpoſed to reduce Baliol and the Engliſh by famine. They blockaded Perth by land; they collected ſome veſſels with which they inveſted it by water: But Baliol's ſhips, attacking the Scottiſh fleet, gained a complete victory; and opened the communication between Perth and the ſea [w]. The Scotch armies were then obliged to diſband for want of pay and ſubſiſtence: The nation was in effect ſubdued by a handful of men: Each nobleman, who found himſelf moſt expoſed to danger, ſucceſſively ſubmitted to Baliol: That prince was crowned at Scone: David, his competitor, was ſent over to France with his betrothed wife, Jane, ſiſter to Edward: And the heads of his party ſued to Baliol for a truce, which he granted them, in order to aſſemble a parliament in tranquillity, and have his title recognized by the whole Scottiſh nation. 27th Sept.

BUT Baliol's imprudence or his neceſſities making him diſmiſs the greater part of his Engliſh followers, he was, notwithſtanding the truce, attacked of a ſudden near Annan by Sir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was ſlain; he himſelf was chaced into England in a 1333.

[u] Heming. p. 273. Walſing. p. 131. Knyghton, p. 2561.
[w] Heming. p. 273. Knyghton, p. 2561.

CHAP. XV.

miſerable condition; and thus loſt his kingdom by a revolution as ſudden as that by which he had acquired it.

1333. WHILE Baliol enjoyed his ſhort-lived and precarious royalty, he had been ſenſible, that, without the protection of England, it would be impoſſible for him to maintain poſſeſſion of the throne; and he had ſecretly ſent a meſſage to Edward, offering to acknowledge his ſuperiority, to renew the homage for his crown, and to eſpouſe the princeſs Jane, if the pope's conſent could be obtained, for diſſolving her former marriage, which was not yet conſummated. Edward, ambitious of recovering that important conceſſion, made by Mortimer during his minority, threw off all ſcruples, and willingly accepted the offer; but as the dethroning of Baliol had rendered this ſtipulation of no effect, the king prepared to re-inſtate him in poſſeſſion of the crown; an enterprize, which appeared from late experience ſo eaſy and ſo little hazardous. As he poſſeſſed many popular arts, he conſulted his parliament on the occaſion; but that aſſembly, finding the reſolution already taken, declined giving any opinion, and only granted him, in order to ſupport the enterprize, an aid of a fifteenth, from the perſonal eſtates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his ſubjects by illegal taxes, or by the outrageous ſeizure of their goods in the ſhape of purveyance[x].

War with Scotland.

As the Scots expected, that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a ſtrong garriſon into that place under the command of Sir William Keith, and he himſelf aſſembled a great army on the frontiers, ready to penetrate into England, as ſoon as Edward ſhould have inveſted that place. The Engliſh

[x] Cotton's Abridg.

army

army was less numerous, but better supplied with arms and provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence made by Keith, had in two months reduced the garrison to extremities, and had obliged them to capitulate: They engaged to surrender, if they were not relieved within a few days by their countrymen [y]. This intelligence, being conveyed to the Scottish army, which was preparing to invade Northumberland, changed their plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important fortress. Douglas, who had ever purposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He attacked the English at Halidown-hill, a little north of Berwic; and though his heavy-armed cavalry dismounted, in order to render the action more steady and desperate, they were received with such valour by Edward, and were so galled by the English archers, that they were soon thrown into disorder, and on the fall of Douglas, their general, were totally routed. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit: All the nobles of chief distinction were either slain or taken prisoners: Near thirty thousand of the Scots fell in the action: While the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers: An inequality almost incredible [z].

CHAP. XV. 1333. a 19th July.

After this fatal blow, the Scottish nobles had no other resource than instant submission; and Edward, leaving a considerable body with Baliol to complete the conquest of

y Rymer, vol. iv. p. 564, 565, 566. z Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.

CHAP. XV.

the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king by a parliament assembled at Edinburgh [a]; the superiority of England was again recognized; many of the Scottish nobility swore fealty to Edward; and to complete the misfortunes of that nation, Baliol ceded Berwic, Dunbar, Roxborough, Edinburgh, and all the south-east counties of Scotland, which were declared to be for ever annexed to the English monarchy [b].

1333.

1334. If Baliol, on his first appearance, was dreaded by the Scots, as an instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions, and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him, not as their prince, but as the delegate and confederate of their determined enemy: And neither the manners of the age, nor the state of Edward's revenue permitting him to maintain a standing army in Scotland, the English forces were no sooner withdrawn, than the Scots revolted from Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with success his valour and activity in many small but decisive actions against Baliol; and in a short time had almost wholly expelled him the kingdom. Ed-

1335. ward was obliged again to assemble an army and to march into Scotland: The Scots, taught by experience, withdrew into their hills and fastnesses: He destroyed the houses and ravaged the estates of those whom he called rebels: But this confirmed them still farther in their obstinate antipathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage, on the first opportunity, of the retreat of their enemy,

[a] Rymer, vol. iv. p. 590. [b] Ibid. p. 614.

and

and they ſoon re-conquered their country from the Engliſh. Edward made anew his appearance in Scotland with like ſucceſs: He found every thing hoſtile in the kingdom, except the ſpot on which he was encamped: And though he marched uncontrouled over the low countries, the nation itſelf was farther than ever from being broken and ſubdued. Beſides being ſupported by their pride and anger, paſſions difficult to tame, they were encouraged, amidſt all their calamities, by daily promiſes of relief from France; and as a war was now likely to break out between that kingdom and England, they had reaſon to expect from this incident a great diverſion of that force, which had ſo long oppreſſed and overwhelmed them. 1336.

King's claim to the crown of France. 1337.

We now come to a tranſaction, on which depended the moſt memorable events, not only of this long and active reign, but of the whole Engliſh and French hiſtory, during more than a century; and it will therefore be neceſſary to give a particular account of the ſprings and cauſes of it.

It had long been a prevailing opinion, that the crown of France could never deſcend to a female; and in order to give more authority to this maxim, and aſſign it a determinate origin, it had been uſual to derive it from a clauſe in the Salian Code, the law of an ancient tribe among the Franks: though that clauſe, when ſtrictly examined, carries only the appearance of favouring this principle, and does not really, by the confeſſion of the beſt antiquaries, bear the ſenſe commonly impoſed upon it. But though poſitive law ſeems wanting among the French for the excluſion of females, the practice had taken place; and the rule was eſtabliſhed beyond controverſy on ſome ancient as well as ſome modern precedents. During the firſt race of the monarchy, the Franks were ſo rude and barbarous

CHAP. XV.

barbarous a people, that they were incapable of submitting to a female reign; and in that period of their history

1337. there were frequent instances of kings advanced to royalty in prejudice of females, who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race; and though the instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no female and none who founded his title on a female had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella, queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret sister to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it should appear whether the child proved a son or a daughter. The queen bore a male, who lived only a few days: Philip was proclaimed king: And as the duke of Burgundy made some opposition, and asserted the rights of his niece, the states of the kingdom, by a solemn and deliberate decree, gave her an exclusion, and declared all females for ever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother, Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short: He left one daughter; but as his queen was pregnant, the next male heir was appointed regent,

regent, with a declared right of ſucceſſion, if the iſſue ſhould prove female. This prince was Philip de Valois, couſin German to the deceaſed king; being the ſon of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimouſly placed on the throne of France. 1337.

THE king of England, who was at that time a youth of fifteen years of age, embraced a notion, that he was intitled, in right of his mother, to the ſucceſſion of the kingdom, and that the claim of the nephew was preferable to that of the couſin german. There could not well be imagined a notion weaker or worſe grounded. The principle of excluding females was of old an eſtabliſhed opinion in France, and had acquired equal authority with the moſt expreſs and poſitive law: It was ſupported by ancient precedents: It was confirmed by recent inſtances, ſolemnly and deliberately decided: And what placed it ſtill farther beyond controverſy; if Edward was diſpoſed to queſtion its validity, he thereby cut off his own pretenſions; ſince the three laſt kings had all left daughters, who were ſtill alive, and who ſtood before him in the order of ſucceſſion. He was therefore reduced to aſſert, that, though his mother, Iſabella, was, on account of her ſex, incapable of ſucceeding, he himſelf, who inherited through her, was liable to no ſuch objection, and might claim by the right of propinquity. But, beſides that this pretenſion was more favourable to Charles, king of Navarre, deſcended from the daughter of Lewis Hutin, it was ſo contrary to the eſtabliſhed principles of ſucceſſion in every country of Europe [b], was ſo repugnant to the practice both in private and public inheritances, that no body in France thought of Edward's claim: Philip's title was univerſally recognized [c]: And

[b] Froiſſard, liv. 1. chap. 4. [c] Id. liv. 1. chap. 22.

CHAP. XV.

he never imagined, that he had a competitor; much leſs, ſo formidable a one as the king of England.

1337. But though the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the internal union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage above a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident, which required, that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance was, by the feudal law, the immediate conſequence of his refuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to France [d]; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed by the whole French

[d] Rymer, vol. iv. p. 477. 481. Froiſſard, liv. 1. chap. 25. Anon. Hiſt. p. 394. Walſing. p. 130. Murimuth, p. 73.

nation,

nation, that to insist on it was no better than pretending to the violent conquest of the kingdom; and it is probable that he would never have farther thought of it, had it not been for some incidents, which excited an animosity between the monarchs. CHAP. XV. 1337.

ROBERT of Artois was descended from the blood royal of France, was a man of great character and authority, had espoused Philip's sister, and by his birth, talents, and credit was entitled to make the highest figure, and fill the most important offices, in the monarchy. This prince had lost the county of Artois, which he claimed as his birthright, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action, so unworthy of his rank and character as a forgery [e]. The detection of this crime covered him with shame and confusion: His brother-in-law not only abandoned him, but prosecuted him with violence: Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries: Chaced from that retreat, by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances, he was favourably received by Edward [f]; and was soon admitted into the councils and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavoured to revive the prepossession entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impossible for a prince of his valour and abilities, to render his claim effectual. The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, found reason to complain of Philip's conduct with regard to Guienne, and because that prince had both given protection

[e] Froissard, liv. 1. chap. 29. [f] Rymer, vol. iv. p. 747. Froissard, liv. 1, chap. 27.

to

CHAP. XV.

to the exiled David Bruce, and ſupported, at leaſt encouraged the Scots in their ſtruggles for independance.

1337. Thus reſentment gradually filled the breaſts of both monarchs, and made them incapable of hearkening to any terms of accommodation, propoſed by the pope, who never ceaſed interpoſing his good offices between them. Philip thought, that he ſhould be wanting to the firſt principles of policy, if he abandoned Scotland: Edward affirmed, that he muſt relinquiſh all pretenſions to generoſity, if he withdrew his protection from Robert. The former, informed of ſome preparations for hoſtilities, which had been made by his rival, iſſued a ſentence of felony and attainder againſt Robert, and declared, that every vaſſal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor, would be involved in the ſame ſentence; a menace eaſy to be underſtood: The latter, reſolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produce ſuch a diverſion as might ſave the province of Guienne, which lay ſo much expoſed to the power of Philip.

Preparations for war with France.

THE king began with opening his intentions to the count of Hainault, his father-in-law; and having engaged him in his intereſts, he employed the good offices and councils of that prince in drawing into his alliance the other ſovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promiſe his concurrence[g]: The archbiſhop of Cologn, the duke of Gueldres, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the Engliſh alliance[h]. Theſe ſove-

[g] Rymer, vol. iv. p. 777.

[h] Froiſſard, liv. 4. chap. 29. 33. 36.

reign princes could ſupply, either from their own ſtates or from the bordering countries, great numbers of warlike troops; and naught was wanting to make the force on that quarter very formidable but the acceſſion of Flanders; which Edward procured by means ſomewhat extraordinary and unuſual. 1337.

As the Flemings were the firſt people in the northern parts of Europe, that cultivated arts and manufactures, the lower ranks of men among them had riſen to a degree of opulence unknown elſewhere to thoſe of their ſtation in that barbarous age; had acquired privileges and independance; and began to emerge from that ſtate of vaſſalage, or rather of ſlavery, into which the common people had been univerſally thrown by the feudal inſtitutions. It was probably difficult for them to bring their ſovereign and their nobility to conform themſelves to the principles of law and civil government, ſo much neglected in every other country: It was impoſſible for them to confine themſelves within the proper bounds in their oppoſition and reſentment againſt any inſtance of tyranny: They had riſen in tumults: Had inſulted the nobles: Had chaced their earl into France: And delivering themſelves over to the guidance of a ſeditious leader, had been guilty of all that inſolence and diſorder, to which the thoughtleſs and enraged populace are ſo much inclined, wherever they are unfortunate enough to be their own maſters[i].

THEIR preſent leader was James d'Arteville, a brewer in Ghent, who governed them with a more abſolute ſway than had ever been aſſumed by any of their lawful ſovereigns: He placed and diſplaced the magiſtrates at pleaſure: He was accompanied by a guard, who, on the leaſt ſignal from him, inſtantly aſſaſſinated any man that happened to fall under his diſpleaſure: All the cities of Flanders were full of his ſpies; and it was immediate death to

[i] Froiſſard, liv. 1. chap. 30. Meyerus.

give

CHAP. XV.

give him the ſmalleſt umbrage: The few nobles, who remained in the country, lived in continual terror from his violence: He ſeized the eſtates of all thoſe whom he had either baniſhed or murdered; and beſtowing a part on their wives and children, converted the remainder to his own uſe[k]. Such were the firſt effects, that Europe ſaw, of popular violence; after having groaned, during ſo many ages, under monarchical and ariſtocratical tyranny.

1337.

JAMES D'ARTEVILLE was the man, to whom Edward addreſſed himſelf for bringing over the Flemings to his intereſts; and that prince, the moſt haughty and moſt aſpiring of the age, never courted any ally with ſo much aſſiduity and ſo many ſubmiſſions, as he employed towards this ſeditious and criminal tradeſman. D'Arteville, proud of theſe advances from the king of England, and ſenſible that the Flemings were naturally inclined to maintain connexions with the Engliſh, who furniſhed them the materials of their woollen manufactures, the chief ſource of their opulence, readily embraced the intereſts of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprize, affected to conſult his parliament, aſked their advice, and obtained their conſent[l]. And the more to ſtrengthen his hands, he procured from them a grant of 20,000 ſacks of wool; which might amount to about a hundred thouſand pounds: This commodity was a good inſtrument to employ with the Flemings; and the price of it with his German allies. He completed the other neceſſary ſums by loans, by pawning the crown jewels, by confiſcating or rather robbing at once all the Lombards, who now exerciſed the invidious trade, formerly monopolized by the Jews, of lending on intereſt[m]; and being attended

[k] Froiſſard, liv. 1. chap. 30.
[l] Cotton's Abridg.
[m] Dugd. Baron. vol. ii. p. 146.

by

by a body of Engliſh forces, and by ſeveral of his nobility, he ſailed over to Flanders. CHAP. XV.

THE German princes, in order to juſtify their unprovoked hoſtilities againſt France, had required the ſanction of ſome legal authority; and Edward, that he might give them ſatisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which ſeemed to give him a right of commanding the ſervice of the princes of Germany [n]. The Flemings, who were vaſſals of France, pretending like ſcruples with regard to the invaſion of their liege lord; Edward, by the advice of d'Arteville, aſſumed, in his commiſſions, the title of king of France, and, in virtue of this right, claimed their aſſiſtance for dethroning Philip de Valois, the uſurper of his kingdom [o]. This ſtep, which, he feared, would deſtroy all future amity between the kingdoms, and beget endleſs and implacable jealouſies in France, was not taken by him without much reluctance and heſitation: And not being in itſelf very juſtifiable, it has in the iſſue been attended with many miſeries to both kingdoms. From this period we may date the commencement of that great animoſity, which the Engliſh nation have ever ſince born to the French, which has ſo viſible an influence on all future tranſactions, and which has been, and continues to be the ſpring of many raſh and precipitate reſolutions among them. In all the preceding reigns ſince the conqueſt, the hoſtilities between the two crowns had been only caſual and temporary; and as they had never been attended with any bloody or dangerous event, the traces of them were eaſily obliterated by the firſt treaty of pacification. The Engliſh nobility and gentry valued themſelves on their 1338.

[n] Froiſſard, liv. 1. chap. 35. [o] Heming. p. 303. Walſingham, p. 143.

French

CHAP. XV. 1338.

French or Norman extraction: They affected to employ the language of that country in all public tranſactions, and even in familiar converſation: And both the Engliſh court and camp being always full of nobles, who came from different provinces of France, the two people were, during ſome centuries, more intermingled together than any two diſtinct nations, whom we meet with in hiſtory. But the fatal pretenſions of Edward III. diſſolved all theſe connexions, and left the ſeeds of great animoſity in both countries, eſpecially among the Engliſh. For it is remarkable, that this latter nation, though they were commonly the aggreſſors, and by their ſucceſs and ſituation were enabled to commit the moſt cruel injuries on the other, have always retained a ſtronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been ſucceſſively engaged in hoſtilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of ſofter manners, they never roſe to a great height againſt any particular nation.

PHILIP made great preparations againſt the attack from the Engliſh, and ſuch as ſeemed more than ſufficient to ſecure him from the danger. Beſides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more powerful than thoſe which were formed by his antagoniſt. The pope, who, at this time, lived in Avignon, was dependant on France, and being diſguſted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and ſincerity the cauſe of the French monarch. The king of Navarre, the duke of Britanny, the count of Bar, were in the ſame intereſts; and on the ſide of Germany, the king of Bohemia, the Palatine, the dukes of Lorraine and Auſtria,

ſtria, the biſhop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themſelves weaker; and having no object, but his money, which began to be exhauſted, they were ſlow in their motions and irreſolute in their meaſures. The duke of Brabant, the moſt powerful among them, ſeemed even inclined to withdraw himſelf wholly from the alliance; and the king was neceſſitated, both to give the Brabanters new privileges in trade, and to contract his ſon Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The ſummer was waſted in conferences and negociations before Edward could take the field; and he was obliged, in order to allure his German allies into his meaſures, to pretend that the firſt attack ſhould be made upon Cambray, a city of the empire which had been garriſoned by Philip [p]. But finding, upon trial, the difficulty of the enterprize, he conducted them towards the frontiers of France; and he there ſaw, by a ſenſible proof, the vanity of his expectations: The count of Namur, and even the count of Hainault, his brother-in-law, (for the old count was dead) refuſed to commence hoſtilities againſt their liege lord, and retired with their troops [q]. So little account did they make of Edward's pretenſions to the crown of France!

CHAP. XV. 1338. 1339.

War with France.

THE king, however, entered the enemy's country, and encamped on the fields of Vironfoſſe near Capelle, with an army of near 50,000 men, compoſed almoſt entirely of foreigners: Philip approached him with an army of near double the force, compoſed chiefly of native ſubjects; and it was daily expected that a battle would enſue. But the Engliſh monarch was averſe to engage againſt ſo great a ſuperiority: The French thought it ſufficient if he

[p] Froiſſard, liv. 1. chap. 39. Heming. p. 305. [q] Froiſſard, liv. 1. chap. 30.

eluded

CHAP. XV.

eluded the attacks of his enemy, without running any unneceſſary hazard. The two armies faced each other for ſome days: Mutual defiances were ſent: And Edward, at laſt, retired into Flanders, and diſbanded his army [r].

1339.

Such was the fruitleſs and almoſt ridiculous concluſion of Edward's mighty preparations; and as his meaſures were the moſt prudent, that could be embraced in his ſituation, he might learn from experience in what a hopeleſs enterprize he was engaged. His expences, though they had led to no end, had been conſuming and deſtructive: He had contracted near 300,000 pounds of debt [s]; he had anticipated all his revenue; he had pawned every thing of value, which belonged either to himſelf or his queen; he was obliged in ſome meaſure even to pawn himſelf to his creditors, by not failing to England, till he obtained their permiſſion, and by promiſing on his word of honour to return in perſon, if he did not remit their money.

But he was a prince of too much ſpirit to be diſcouraged by the firſt difficulties of an undertaking; and he was anxious to retrieve his honour by more ſucceſsful and more gallant enterprizes. For this purpoſe, he had, during the courſe of the campaign, ſent orders to ſummon a parliament by his ſon Edward, whom he had left with the title of guardian, and to demand ſome ſupply in his urgent neceſſities. The barons ſeemed inclined to grant his requeſt; but the knights, who often, at this time, acted as a ſeparate body from the burgeſſes, made ſome ſcruple of taxing their conſtituents, without their conſent; and they deſired the guardian to ſummon a new parliament, which might be properly impowered for that purpoſe. The ſituation of the king and parliament was,

[r] Froiſſard, liv. i. chap. 41, 42, 43. Heming. p. 307. Walſing. p. 143.
[s] Cotton's bridg. p. 17.

CHAP. XV.

for the time, nearly similar to that which they constantly fell into about the beginning of the last century; and similar consequences began visibly to appear. The king, sensible of the frequent demands which he should be obliged to make on his people, had been anxious to ensure to his friends a seat in the house of commons, and at his instigation, the sheriffs and other placemen had made interest to be elected into that assembly; an abuse which the knights desired the king to correct by the tenor of his writ of summons, and which was accordingly remedied. On the other hand, the knights had professedly annexed conditions to their intended grant, and required a considerable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldest son, and marrying his eldest daughter. The new parliament, called by the guardian, retained the same free spirit; and though they offered a large supply of 30,000 sacks of wool, no business was concluded; because the conditions, which they annexed, appeared too high to be compensated by a temporary concession. But when Edward himself came over to England, he summoned another parliament, and he had the interest to procure a supply on more moderate terms. A confirmation of the two charters and of the privileges of boroughs, a pardon for old debts and trespasses, and a remedy for some abuses in the execution of common law, were the chief conditions insisted on; and the king, in return for his concessions on these heads, obtained from the barons and knights an unusual grant for two years of the ninth sheaf, lamb, and fleece on their estates, and from the burgesses, a ninth of their moveables at their true value. The whole parliament also granted a duty of forty shillings on each sack of wool exported, on each three hundred wool-fells, and on each last of leather for the same term of years; but dreading the ar- 1339.

CHAP. XV.

bitrary ſpirit of the crown, they expreſsly declared, that this grant was to continue no longer, and was not to be drawn into precedent. Being ſoon after ſenſible, that this ſupply, though conſiderable and very unuſual in that age, would come in ſlowly, and would not anſwer the king's urgent neceſſities, proceeding both from his debts, and his preparations for war; they agreed, that 20,000 ſacks of wool ſhould immediately be granted him, and their value be deducted from the ninths, which were afterwards to be levied.

1339.

But there appeared, at this time, another jealouſy in the parliament, which was very reaſonable, and was founded on a ſentiment that ought to have engaged them rather to check than ſupport the king in all thoſe ambitious projects, ſo little likely to prove ſucceſsful, and ſo dangerous to the nation, if they did. Edward, who, before the commencement of the former campaign, had, in ſeveral commiſſions, aſſumed the title of king of France, now more openly, in all public deeds, gave himſelf that appellation, and always quartered the arms of France with thoſe of England in his ſeals and enſigns. The parliament thought proper to obviate the conſequences of this meaſure, and to declare, that they owed him no obedience as king of France, and that the two kingdoms muſt for ever remain diſtinct and independant [t]. They undoubtedly foreſaw, that France, if ſubdued, would in the end prove the ſeat of government; and they deemed this previous proteſtation neceſſary, in order to prevent their becoming a province to that monarchy. A frail ſecurity, if the event had really taken place!

1340.

As Philip was apprized, from the preparations which were making both in England and the Low Countries, that he muſt expect another invaſion from Edward, he

[t] 14 Edward III.

fitted

CHAP. XV.

fitted out a great fleet of 400 veſſels, manned with 40,000 men; and he ſtationed them off Sluiſe, with a view of intercepting the king in his paſſage. The Engliſh navy was much inferior in number, conſiſting only of 240 ſail; but whether it were by the ſuperior abilities of Edward, or the greater dexterity of his ſeamen, they gained the wind of the enemy, and had the ſun in their backs; and with theſe advantages began the action. The battle was fierce and bloody: The Engliſh archers, whoſe force and addreſs were now much celebrated, galled the French on their approach: And when the ſhips grappled together, and the conteſt became more ſteady and furious, the example of the king, and of ſo many gallant nobles, who accompanied him, animated to ſuch a degree the ſeamen and ſoldiery, that they maintained every where a ſuperiority over the enemy. The French alſo had been guilty of ſome imprudence in taking their ſtation ſo near the coaſt of Flanders, and chuſing that place for the ſcene of action. The Flemings, deſcrying the battle, hurried out of their harbours, and brought a reinforcement to the Engliſh; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ſhips were taken: Thirty thouſand Frenchmen were killed, with two of their admirals: The loſs of the Engliſh was inconſiderable, compared to the greatneſs and importance of the victory [u]. None of Philip's courtiers, it is ſaid, dared to inform him of the event; till his fool or jeſter gave him a hint, by which he diſcovered the loſs that he had ſuſtained [w].

1340. Naval victory. 13th June.

THE luſtre of this great ſucceſs encreaſed the king's authority among his allies, who aſſembled their forces with expedition, and joined the Engliſh army. Edward

[u] Froiſſard, liv. i. chap. 51. Aveſbury, p. 56. Heming. p. 321.
[w] Walſing. p. 148.

CHAP. XV.

1340.

marched to the frontiers of France at the head of above 100,000 men, consisting chiefly of foreigners, a more numerous army than, either before or since, has ever been commanded by any king of England [x]. At the same time, the Flemings, to the number of 50,000 men, marched out under the command of Robert of Artois, and laid siege to St. Omer; but this tumultuary army, composed entirely of tradesmen, unexperienced in war, was routed by a sally of the garrison, and notwithstanding the abilities of their leader, was thrown into such a panic, that they were instantly dispersed, and never more appeared in the field. The enterprizes of Edward, though not attended with so inglorious an issue, proved equally vain and fruitless. The king of France had assembled an army more numerous than the English; was accompanied by all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre [y]: Yet he still adhered to the prudent resolution of putting nothing to hazard, and after throwing strong garrisons into all the frontier towns, he retired backwards, persuaded, that the enemy, having wasted their force in some tedious and unsuccessful enterprize, would afford him an easy victory.

TOURNAY was at that time one of the most considerable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the secret of Edward's design had not been strictly kept, Philip learned, that the English, in order to gratify their Flemish allies, had intended to open the campaign with the siege of this place: He took care therefore to supply it with a garrison of 14,000 men, commanded by the bravest nobility of France; and he reasonably expected, that these forces, joined to the

[x] Rymer, vol. v. p. 197.

[y] Froissard, liv. i. chap. 57.

inhabitants,

inhabitants, would be able to defend the city againſt all the efforts of the enemy. Accordingly, Edward, when he commenced the ſiege about the end of July, found every where an obſtinate reſiſtance: The valour of one ſide was encountered with equal valour by the other: Every aſſault was repulſed and proved unſucceſsful: And the king was at laſt obliged to turn the ſiege into a blockade, in hopes that the great numbers of the garriſon and citizens, which had enabled them to defend themſelves againſt his attacks, would but expoſe them to be the more eaſily reduced by famine [z]. The count of Eu, who commanded in Tournay, as ſoon as he perceived that the Engliſh had formed this plan of operations, endeavoured to ſave his proviſions, by expelling all the uſeleſs mouths; and the duke of Brabant, who wiſhed no ſucceſs to Edward's enterprizes, gave every one a free paſſage through his quarters.

CHAP. XV. 1340.

After the ſiege had continued ten weeks, the city was reduced to diſtreſs; and Philip, recalling all his ſcattered garriſons, advanced towards the Engliſh camp at the head of a mighty army, with an intention of ſtill avoiding any deciſive action, but of ſeeking ſome opportunity for throwing relief into the place. Here Edward, irritated with the ſmall progreſs he had hitherto made, and with the diſagreeable proſpect that lay before him, ſent Philip a defiance by a herald; and challenged him to decide their claims for the crown of France, either by ſingle combat, or by an action of a hundred againſt a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the dutchy of Guienne, and having ſolemnly acknowledged him for his ſuperior, it by no means became him to ſend a defiance to his liege lord and ſovereign: That he was confident, notwithſtanding all Edward's preparations, and

[z] Froiſſard, liv. i. chap. 54.

CHAP. XV.

his conjunction with the rebellious Flemings, he himself should soon be able to chace him from the frontiers of

1340. France: That as the hostilities from England had prevented him from executing his purposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill-grounded claims had rendered them abortive: That Edward proposed a duel on very unequal terms, and offered to hazard only his own person, against both the kingdom of France, and the person of the king: But that, if he would encrease the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge [a]. It was easy to see, that these mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

While the French and English armies lay in this situation, and a general action was every day expected, Jane, countess dowager of Hainault, interposed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effusion of blood. This princess was mother-in-law to Edward, and sister to Philip; and though she had taken the vows in a convent, and had renounced the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities, which had taken place between persons so nearly related to her, and to each other. As Philip had no material claims on his antagonist, she found that he hearkened willingly to the propofals; and even the haughty and ambitious Edward, convinced of his fruitless attempt, was not averse to her

[a] Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149.

negociation.

negociation. He was ſenſible from experience, that he had engaged in an enterprize which far exceeded his force; and that the power of England was never likely to prevail over that of a ſuperior kingdom, firmly united under an able and prudent monarch. He diſcovered, that all the allies, whom he could gain by negociation, were at bottom averſe to his enterprize; and though they might ſecond it to a certain length, would immediately detach themſelves, and oppoſe its final accompliſhment, if ever they could be brought to think, that there was ſeriouſly any danger of it. He even ſaw, that their chief purpoſe was to obtain money from him; and as his ſupplies from England came in very ſlowly, and had much diſappointed his expectations, he perceived their growing indifference in his cauſe, and their deſire of embracing all plauſible terms of accommodation. Convinced at laſt, that an undertaking muſt be imprudent, which could only be ſupported by means ſo unequal to the end, he concluded a truce, which left both parties in poſſeſſion of their preſent acquiſitions, and ſtopped all farther hoſtilities on the ſide of the Low Countries, Guienne, and Scotland, till Midſummer next [b]. A negociation was ſoon after opened at Arras, under the mediation of the pope's legates; and the truce was attempted to be converted into a ſolid peace. Edward here required, that Philip ſhould free Guienne from all claims of ſuperiority, and entirely withdraw his protection from Scotland: But as he ſeemed not any wiſe entitled to make ſuch high demands, either from his paſt ſucceſſes, or future proſpects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

CHAP. XV. 1340.

3d Sept.

THE king of France ſoon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred

[b] Froiſſard, liv. i. chap. 64. Aveſbury, p. 65.

CHAP. XV.

on Edward [c]. The king's other allies on the frontiers of France, diſappointed in their hopes, gradually withdrew from the confederacy. And Edward himſelf, haraſſed by his numerous and importunate creditors, was obliged to make his eſcape by ſtealth into England.

1340.

Domeſtic diſturbances.

THE unuſual tax of a ninth ſheaf, lamb, and fleece, impoſed by parliament, together with the great want of money, and ſtill more, of credit in England, had rendered the remittances to Flanders extremely backward; nor could it be expected, that any expeditious method of collecting an impoſition, which was ſo new in itſelf, and which yielded only a gradual produce, could poſſibly be contrived by the king or his miniſters. And though the parliament, foreſeeing the inconvenience, had granted, as a preſent reſource, 20,000 ſacks of wool, the only Engliſh goods that bore a ſure price in foreign markets, and were the next to ready money; it was impoſſible, but the getting poſſeſſion of ſuch a bulky commodity, the gathering of it from different parts of the kingdom, and the diſpoſing of it abroad, muſt take up more time than the urgency of the king's affairs would permit, and muſt occaſion all the diſappointments complained of, during the courſe of the campaign. But though nothing had happened, which Edward might not reaſonably have foreſeen, he was ſo irritated with the unfortunate iſſue of his military operations, and ſo much vexed and affronted by his foreign creditors, that he was determined to throw the blame ſomewhere off himſelf, and he came in very bad humour into England. He diſcovered his peeviſh diſpoſition by the firſt act which he performed after his arrival: As he landed unexpectedly, he found the Tower negligently guarded; and he immediately committed to priſon, the conſtable and all others who had the charge of that fortreſs, and he treated them with unuſual rigour [d].

[c] Heming. p. 352. Ypod. Neuſt. p. 514. Knyghton, p. 2580.
[d] Ypod. Neuſt. p. 513.

His

His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all kinds; and besides dismissing all of them from their employments, he appointed commissioners to enquire into their conduct; and these men, in order to gratify the king's humour, were sure not to find any person innocent, who came before them [c]. Sir John St. Paul, keeper of the privy seal, Sir John Stonore, chief justice, Andrew Aubrey, mayor of London, were displaced and imprisoned; as were also the bishop of Chichester, chancellor, and the bishop of Lichfield, treasurer. Stratford, archbishop of Canterbury, to whom the charge of collecting the new taxes had been chiefly entrusted, fell likewise under the king's displeasure; but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it. CHAP. XV. 1340.

THERE were strong reasons, which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so entrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for depriration or other spiritual censures, that order of men had ensured to themselves an almost total impunity, and were not bound by any political law or statute. But, on the other hand, there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments; the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority, to the powers entrusted with them:

[c] Avesbury, p. 70. Heming. p. 326. Walsingham, p. 150.

While

CHAP. XV.

While, at the same time, they did not endanger the crown by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence, so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief departments of government in the hands of ecclesiastics; at the hazard of seeing them disown his authority as soon as it was turned against them.

1340.

1341. THIS was the case with archbishop Stratford. That prelate, informed of Edward's indignation against him, prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to show the king, that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication against all, who, on any pretext, exercised violence on the person or goods of clergymen; who infringed those privileges secured by the great charter, and by ecclesiastical canons; or who accused a prelate of treason or any other crime, in order to bring him under the king's displeasure [f]. Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen concerned in levying the taxes, and on account of his seizing their lands and moveables, that he might make them answerable for any balance, which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people. It was pretended, that he meant to recal the general pardon, and the remission which he had granted of old debts,

[f] Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walsingham, p. 153.

and

and to impose new and arbitrary taxes without consent of parliament. The archbishop went so far, in a letter to the king himself, as to tell him, that there were two powers, by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority: That of these two powers, the clerical was evidently the supreme; since the priests were to answer, at the tribunal of the divine judgment, for the conduct of kings themselves: That the clergy were the spiritual fathers of all the faithful, and amongst others of kings and princes; and were intitled, by a heavenly charter, to direct their wills and actions, and to censure their transgressions: And that prelates had heretofore cited emperors before their tribunal, had sitten in judgment on their life and behaviour, and had anathematized them for their obstinate offences [g]. These topics were not well calculated to appease Edward's indignation; and when he called a parliament, he sent not to the primate, as to the other peers, a summons to attend it. Stratford was not discouraged at this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the crosier in his hand, and accompanied by a pompous train of priests and prelates; and he required admittance as the first and highest peer in the realm. During two days, the king rejected his application: But sensible, either that this affair might be attended with dangerous consequences, or that in his impatience he had groundlessly accused the primate of malversation in his office, which seems really to have been the case; he at last permitted him to take his seat, and was reconciled to him [h].

CHAP. XV. 1341.

EDWARD now found himself in a bad situation both with his own people and with foreign states; and it required all his genius and capacity to extricate himself

[g] Anglia Sacra, vol. i. p. 27, 39, 40, 41.

[h] Anglia Sacra, vol. i. p. 38,

from

CHAP. XV.

from ſuch multiplied difficulties and embarraſſments. His unjuſt and exorbitant claims on France and Scotland had

1341. engaged him in an implacable war with theſe two kingdoms, his neareſt neighbours: He had loſt almoſt all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a conſuming intereſt: His military operations had vaniſhed into ſmoke; and except his naval victory, none of them had been attended even with glory or renown, either to himſelf or to the nation: The animoſity between him and the clergy was open and declared: The people were diſcontented on account of many arbitrary meaſures, in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his preſent neceſſities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themſelves independance and authority. But the aſpiring genius of Edward, which had ſo far tranſported him beyond the bounds of diſcretion, proved at laſt ſufficient to re-inſtate him in his former authority, and finally to render his reign the moſt triumphant that is to be met with in Engliſh ſtory: Though for the preſent he was obliged, with ſome loſs of honour, to yield to the current, which bore ſo ſtrongly againſt him.

THE parliament framed an act, which was likely to produce conſiderable innovations in the government. They premiſed, that, whereas the great charter had, to the manifeſt peril and ſlander of the king and damage of his people, been violated in many points, particularly by the impriſonment of free men and the ſeizure of their goods, without ſuit, indictment, or trial, it was neceſſary to confirm it anew, and to oblige all the chief officers of the law, together with the ſteward and chamberlain of the houſhold, the keeper of the privy-ſeal, the controller and treaſurer of the wardrobe, and thoſe who were

were entrusted with the education of the young prince, to swear to the regular observance of it. They also remarked, that the peers of the realm had formerly been arrested and imprisoned, and dispossessed of their temporalities and lands, and even some of them put to death, without judgment or trial; and they therefore enacted that such violences should henceforth cease, and no peer be punished but by the award of his peers *in parliament*. They required, that, whenever any of the great offices above mentioned became vacant, the king should fill it by the advice of his council, and the consent of such barons as should at that time be found to reside in the neighbourhood of the court. And they enacted, that, on the third day of every session, the king should resume into his own hand all these offices, except those of justices of the two benches and the barons of exchequer; that the ministers should for the time be reduced to private persons; that they should in that condition answer before parliament to any accusation brought against them; and that, if they were found any wise guilty, they should finally be dispossessed of their offices, and more able persons be substituted in their place[i]. By these last regulations, the barons approached as near as they durst to those restrictions, which had formerly been imposed on Henry III. and Edward II. and which, from the dangerous consequences attending them, had become so generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

CHAP. XV. 1341.

In return for these important concessions, the parliament offered the king a grant of 20,000 sacks of wool; and his wants were so urgent, from the clamours of his creditors, and the demands of his foreign allies, that he

[i] 15 Edw. III.

CHAP. XV.

was obliged to accept of the ſupply on theſe hard conditions. He ratified this ſtatute in full parliament; but he

1341. *ſecretly* entered a proteſt of ſuch a nature, as were ſufficient, one ſhould imagine, to deſtroy all future truſt and confidence with his people: He declared, that, as ſoon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him [k]. Accordingly, he was no ſooner poſſeſſed of the parliamentary ſupply, than he iſſued an edict, which contains many extraordinary poſitions and pretenſions. He firſt aſſerts, that that ſtatute had been enacted contrary to law; as if a free legiſlative body could ever do any thing illegal. He next affirms, that, as it was hurtful to the prerogatives of the crown which he had ſworn to defend, he had only diſſembled, when he ſeemed to ratify it, but that he had never in his own breaſt given his aſſent to it. He does not pretend, that either he or the parliament lay under force; but only that ſome inconvenience would have enſued, had he not ſeemingly affixed his ſanction to that pretended ſtatute. He therefore, with the advice of his council and of *ſome* earls and barons, abrogates and annuls it; and though he profeſſes himſelf willing and determined to obſerve ſuch articles of it as were formerly law, he declares it to have thenceforth no force or authority [l]. The parliaments, that were afterwards aſſembled, took no notice of this arbitrary exertion of royal power, which, by a parity of reaſon, left all their laws at the mercy of the king; and during the courſe of two years, Edward had ſo far re-eſtabliſhed his influence, and freed himſelf from his preſent neceſſities, that he then obtained from his parliament a legal repeal of the ob-

[k] Statutes at Large, 15 Edw. III. That this proteſt of the king's was *ſecret* appears evidently, ſince otherwiſe it would have been ridiculous in the parliament to have accepted of his aſſent: Beſides the king owns that he *diſſembled*, which would not have been the caſe, had his proteſt been public.

[l] Statutes at Large, 15 Edw. III.

noxious ſtatute [m]. This tranſaction certainly contains remarkable circumſtances, which diſcover the manners and ſentiments of the age, and may prove what inaccurate work might be expected from ſuch rude hands, when employed in legiſlation, and in rearing the delicate fabric of laws and a conſtitution. CHAP. XV. 1341.

But though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone ſo many mortifications from that attempt, and ſaw ſo little proſpect of ſucceſs, that he would probably have dropped his claim, had not a revolution in Britanny opened to him more promiſing views, and given his enterprizing genius a full opportunity of diſplaying itſelf.

John III. duke of Britanny, had, during ſome years, found himſelf declining through age and infirmities; and having no iſſue, he was ſolicitous to prevent thoſe diſorders, to which, on the event of his demiſe, a diſputed ſucceſſion might expoſe his ſubjects. His younger brother, the count of Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the dutchy by a female ſucceſſion, he thought her title preferable to that of the count of Mountfort, who, being his brother by a ſecond marriage, was the male heir of that principality [n]. He accordingly purpoſed to beſtow his niece in marriage on ſome perſon, who might be able to defend her rights; and he caſt his eye on Charles of Blois, nephew of the king of France, by his mother, Margaret of Valois, ſiſter to that monarch. But as he both loved his ſubjects and was beloved by them, he determined not to take this important ſtep without their approbation; and having aſſembled the ſtates of Britanny, he repreſented to them the advantages Affairs of Britanny.

[m] Cotton's Abridgm. p. 38, 39.

[n] Froiſſard, liv. 1. chap. 64.

of

CHAP. XV.

1341. of that alliance, and the prospect, which it gave, of an entire settlement of the succession. The Bretons willingly concurred in his choice: The marriage was concluded: All his vassals, and among the rest, the count of Mountfort, swore fealty to Charles and to his consort as to their future sovereigns: And every danger of civil commotions seemed to be obviated, as far as human prudence could provide a remedy against them.

But on the death of this good prince, the ambition of the count of Mountfort broke through all these regulations, and kindled a war, not only dangerous to Britanny, but to a great part of Europe. While Charles of Blois was soliciting at the court of France the investiture of the dutchy, Mountfort was active in acquiring immediate possession of it; and by force or intrigue he made himself master of Rennes, Nantz, Brest, Hennebonne, and all the most important fortresses, and engaged many considerable barons to acknowledge his authority [o]. Sensible that he could expect no favour from Philip, he made a voyage to England, on pretence of soliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and there, offering to do homage to Edward, as king of France, for the dutchy of Britanny, he proposed a strict alliance for the support of their mutual pretensions. Edward saw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, closely united to him by interest, opened at once an entrance into the heart of France, and afforded him much more flattering views, than his allies on the side of Germany and the Low Countries, who had no sincere attachment to his cause, and whose progress was also obstructed by those numerous fortifications, which had been raised on that frontier. Robert of Artois was

[o] Froissard, liv. 1. chap. 65, 66, 67, 68.

zealous

zealous in inforcing theſe conſiderations: The ambitious ſpirit of Edward was little diſpoſed to ſit down under thoſe repulſes which he had received, and which, he thought, had ſo much impaired his reputation: And it required a very ſhort negociation to conclude a treaty of alliance between two men; who, though their pleas with regard to the preference of male or female ſucceſſion were directly oppoſite, were intimately connected by their immediate intereſts [p]. CHAP. XV. 1341. Renewal of the war with France.

As this treaty was ſtill a ſecret, Mountfort, on his return, ventured to appear at Paris, in order to defend his cauſe before the court of peers; but obſerving Philip and his judges to be prepoſſeſſed againſt his title, and dreading their intentions of arreſting him, till he ſhould reſtore what he had ſeized by violence, he ſuddenly made his eſcape; and war immediately commenced between him and Charles of Blois [q]. Philip ſent his eldeſt ſon, the duke of Normandy, with a powerful army, to the aſſiſtance of the latter; and Mountfort, unable to keep the field againſt his rival, remained in the city of Nantz, where he was beſieged. The city was taken by the treachery of the inhabitants; Mountfort fell into the hands of his enemies; was conducted as a priſoner to Paris; and was ſhut up in the tower of the Louvre [r].

THIS event ſeemed to put an end to the pretenſions of the count of Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inſpired new life and vigour into his party. Jane of Flanders, counteſs of Mountfort, the moſt extraordinary woman of the age, was rouzed, by the captivity of her huſband, from thoſe domeſtic cares, to which ſhe had hitherto limited 1342.

[p] Froiſſard, liv. 1. chap. 69. [q] Ibid. chap. 70, 71.
[r] Ibid. chap. 73.

CHAP. XV.

her genius; and she courageously undertook to support the falling fortunes of her family. No sooner did she receive the fatal intelligence, than she assembled the inhabitants of Rennes, where she then resided; and carrying her infant son in her arms, deplored to them the calamity of their sovereign. She recommended to their care the illustrious orphan, the sole male remaining of their ancient princes, who had governed them with such indulgence and lenity, and to whom they had ever professed the most zealous attachment. She declared herself willing to run all hazards with them in so just a cause; discovered the resources which still remained in the alliance of England; and entreated them to make one effort against an usurper, who, being imposed on them by the arms of France, would in return make a sacrifice to his protector of the ancient liberties of Britanny. The audience, moved by the affecting appearance, and inspirited by the noble conduct, of the princess, vowed to live and die with her in defending the rights of her family: All the other fortresses of Britanny embraced the same resolution: The countess went from place to place, encouraging the garrisons, providing them with every thing necessary for subsistance, and concerting the proper plans of defence; and after she had put the whole province in a good posture, she shut herself up in Hennebonne, where she waited with impatience the arrival of those succours, which Edward had promised her. Mean while, she sent over her son to England, that she might both put him in a place of safety, and engage the king more strongly, by such a pledge, to embrace with zeal the interests of her family.

1342.

Charles of Blois, anxious to make himself master of so important a fortress as Hennebone, and still more to take the countess prisoner, from whose vigour and capacity all the difficulties to his succession in Britanny now proceeded, sat down before the place, with a great army, composed

1342.

compoſed of French, Spaniards, Genoeſe, and ſome Bretons; and he conducted the attack with indefatigable induſtry[s]. The defence was no leſs vigorous: The beſiegers were repulſed in every aſſault: Frequent ſallies were made with ſucceſs by the garriſon: And the counteſs herſelf being the moſt forward in all military operations, every one was aſhamed not to exert himſelf to the utmoſt in this deſperate ſituation. One day ſhe perceived, that the beſiegers, entirely occupied in an attack, had neglected a diſtant quarter of their camp; and ſhe immediately ſallied forth at the head of a body of 200 cavalry, threw them into confuſion, did great execution upon them, and ſet fire to their tents, baggage, and magazines: But when ſhe was preparing to return, ſhe found that ſhe was intercepted, and that a conſiderable body of the enemy had thrown themſelves between her and the gates. She inſtantly took her reſolution: She ordered her men to diſband, and to make the beſt of their way by flight to Breſt: She met them at the appointed place of rendezvous, collected another body of 500 horſe, returned to Hennebonne, broke unexpectedly through the enemy's camp, and was received with ſhouts and acclamations by the garriſon, who, encouraged by this reinforcement, and by ſo rare an example of female valour, determined to defend themſelves to the laſt extremity.

The reiterated attacks, however, of the beſiegers had at length made ſeveral breaches in the walls; and it was apprehended, that a general aſſault, which was every hour expected, would overpower the garriſon, diminiſhed in numbers, and extremely weakened with watching and fatigue. It became neceſſary to treat of a capitulation; and the biſhop of Leon was already engaged, for that purpoſe, in a conference with Charles of Blois; when the counteſs, who had mounted to a high tower,

[s] Froiſſard, liv. i. chap. 81.

CHAP. XV.

and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed: *Behold the succours! the English succours! No capitulation*[t]. This fleet had on board a body of heavy-armed cavalry, and six thousand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of Sir Walter Manny, one of the bravest captains of England; and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

1342.

But notwithstanding this success, the countess of Mountfort found that her party, overpowered by numbers, was declining in every quarter; and she went over to solicit more effectual succours from the king of England. Edward granted her a considerable reinforcement under Robert of Artois; who embarked on board a fleet of forty-five ships, and sailed to Britanny. He was met in his passage by the enemy; an action ensued, where the countess behaved with her wonted valour, and charged the enemy sword in hand; but the hostile fleets, after a sharp action, were separated by a storm, and the English arrived safely in Britanny. The first exploit of Robert was the taking of Vannes, which he mastered by conduct and address[u]: But he survived a very little time this prosperity. The Breton noblemen of the party of Charles assembled secretly in arms, attacked Vannes of a sudden, and carried the place; chiefly by reason of a wound received by Robert, of which he soon after died at sea on his return to England[w].

After the death of this unfortunate prince, the chief author of all the calamities, with which his country was

[t] Froissard, liv. i. chap. 81.
[u] Ibid. chap. 93.
[w] Ibid. chap. 94.

over-

overwhelmed for more than a century, Edward undertook in perſon the defence of the counteſs of Mountfort; and as the laſt truce with France was now expired, the war, which the Engliſh and French had hitherto carried on as allies to the competitors for Britanny, was thenceforth conducted in the name and under the ſtandard of the two monarchs. The king landed at Morbian near Vannes, with an army of 12,000 men; and being maſter of the field, he endeavoured to give a luſtre to his arms, by commencing at once three important ſieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of ſucceſs in all his enterprizes. Even the ſiege of Vannes, which Edward in perſon conducted with vigour, advanced but ſlowly [x]; and the French had all the leiſure requiſite for making preparations againſt him. The duke of Normandy, eldeſt ſon of Philip, appeared in Britanny at the head of an army of 30,000 infantry, and 4000 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himſelf ſtrongly before Vannes, where the duke of Normandy ſoon after arrived, and in a manner inveſted the beſiegers. The garriſon and the French camp were plentifully ſupplied with proviſions; while the Engliſh, who durſt not make any attempt upon the place in the preſence of a ſuperior army, drew all their ſubſiſtance from England, expoſed to the hazards of the ſea, and ſometimes to thoſe which aroſe from the fleet of the enemy. In this dangerous ſituation, Edward willingly hearkened to the mediation of the pope's legates, the cardinals of Paleſtrine and Freſcati, who endeavoured to negociate, if not a peace, at leaſt a truce between the two kingdoms. A treaty was concluded for a ceſſation of arms during three years [y]; and Edward had the abilities, notwithſtanding his preſent dangerous ſituation, to procure to himſelf very equal and honourable

CHAP. XV.

1342.

1343.

x Froiſſard, liv. 1. chap. 95.

y Ibid. chap. 99. Aveſbury, p. 102.

CHAP. XV.

honourable terms. It was agreed, that Vannes ſhould be ſequeſtered, during the truce, in the hands of the legates, to be diſpoſed of afterwards as they pleaſed; and though Edward knew the partiality of the court of Rome towards his antagoniſts, he ſaved himſelf by this device from the diſhonour of having undertaken a fruitleſs enterprize. It was alſo ſtipulated, that all priſoners ſhould be releaſed, that the places in Britanny ſhould remain in the hands of the preſent poſſeſſors, and that the allies on both ſides ſhould be comprehended in the truce [z]. Edward, ſoon after concluding this treaty, embarked with his army for England.

1343.

THE truce, though calculated for a long time, was of very ſhort duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of courſe, the hiſtorians of the two countries differ in their account of the matter. It ſeems probable, however, as is affirmed by the French writers, that Edward, in conſenting to the truce, had no other view than to extricate himſelf from a perilous ſituation, into which he had fallen, and was afterwards very careleſs in obſerving it. In all the memorials which remain on this ſubject, he complains chiefly of the puniſhment inflicted on Oliver de Cliſſon, John de Montauban, and other Breton noblemen, who, he ſays, were partizans of the family of Mountfort, and conſequently under the protection of England [a]. But it appears, that, at the concluſion of the truce, thoſe noblemen had openly, by their declarations and actions, embraced the cauſe of Charles of Blois [b]; and if they had entered into any ſecret correſpondence and engagements with Edward, they were traitors to their party, and were juſtly puniſhable by Philip and Charles, for their breach of faith; nor had Edward

[z] Heming. p. 359. 496. Heming. p. 376.

[a] Rymer, vol. v. p. 453, 454. 459. 466.

[b] Froiſſard, liv. 1. chap. 96. p. 100.

any

any ground of complaint againſt France for ſuch ſeveri- CHAP. XV.
ties. But when he laid theſe pretended injuries before
the parliament, whom he affected to conſult on all occa- 1344.
ſions, that aſſembly entered into the quarrel, adviſed the king not to be amuſed by a fraudulent truce, and granted him ſupplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy conſented to give a tenth for three years.

THESE ſupplies enabled the king to complete his military preparations; and he ſent his couſin, Henry earl of Derby, ſon of the earl of Lancaſter, into Guienne, for the defence of that province [c]. This prince, the moſt accompliſhed in the Engliſh court, poſſeſſed to a high degree the virtues of juſtice and humanity, as well as thoſe of valour and conduct [d], and not content with protecting and cheriſhing the province committed to his care, he made a ſucceſsful invaſion on the enemy. He attacked the count of Liſle, the French general, at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conqueſts, till the count of Liſle, having collected an army of ten or twelve thouſand men, ſat down before Auberoche, in hopes of recovering that 1345.
place, which had fallen into the hands of the Engliſh. The earl of Derby came upon him by ſurprize with only a thouſand cavalry, threw the French into diſorder, puſhed his advantage, and obtained a complete victory. Liſle himſelf, with many conſiderable nobles, was taken pri-

c Froiſſard, liv. 1. chap. 103. Aveſbury, p. 121.

d It is reported of this prince, that, having once, before the attack of a town, promiſed the ſoldiers the plunder, one private man happened to fall upon a great cheſt full of money, which he immediately brought to the earl, as thinking it too great for himſelf to keep poſſeſſion of it. But Derby told him, that his promiſe did not depend on the greatneſs or ſmallneſs of the ſum; and ordered him to keep it all for his own uſe.

CHAP. XV.

soner [e]. After this important success, Derby made a rapid progress in subduing the French provinces. He

1345. took Monsegur, Monpesat, Villefranche, Miremont, and Tonnins, with the fortress of Damassen. Aiguillon, a fortress deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was surrendered after a short siege. The only place, where he met with considerable resistance, was Reole, which, however, was at last reduced after a siege of above nine weeks [f]. He made an attempt on Blaye, but thought it more prudent to raise the siege, than waste his time before a place of small importance [g].

1346. THE reason, why Derby was permitted to make, without opposition, such progress on the side of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impositions, particularly the duty on salt, to the great discontent, and almost mutiny of his subjects. But after the court of France was supplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy, and other great nobility, led towards Guienne a powerful army, which the English could not think of resisting in the open field. The earl of Derby stood on the defensive, and allowed the French to carry on at leisure the siege of Angouleme, which was their first enterprize. John lord Norwich, the governor, after a brave and vigorous defence, found himself reduced to such extremities, as obliged him to employ a stratagem, in order to save his garrison, and to prevent his being reduced to surrender at discretion. He appeared on the walls, and desired a parley with the duke of Normandy. The prince there told Norwich, that he supposed he in-

[e] Froissard, liv. 1. chap. 104. [f] Ibid. chap. 110.
[g] Ibid. chap. 112.

tended

tended to capitulate. "Not at all," replied the governor: "But as to-morrow is the feaſt of the Virgin, to "whom, I know, that you, Sir, as well as myſelf, "bear a great devotion, I deſire a ceſſation of arms for "that day." The propoſal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The beſiegers, imagining they were to be attacked, ran to their arms; but Norwich ſent a meſſenger to the duke, reminding him of his engagement. The duke, who piqued himſelf on faithfully keeping his word, exclaimed, *I ſee the governor has outwitted me: But let us be content with gaining the place:* And the Engliſh were allowed to paſs through the camp unmoleſted [h]. After ſome other ſucceſſes, the duke of Normandy laid ſiege to Aiguillon; and as the natural ſtrength of the fortreſs, together with a brave garriſon under the command of the earl of Pembroke, and Sir Walter Manny, rendered it impoſſible to take the place by aſſault, he purpoſed, after making ſeveral fruitleſs attacks [i], to reduce it by famine: But before he could finiſh this enterprize, he was called to another quarter of the kingdom, by one of the greateſt diſaſters that ever befel the French monarchy [k].

CHAP. XV. 1346.

EDWARD, informed by the earl of Derby of the great danger to which Guienne was expoſed, had prepared a force with which he intended in perſon to bring it relief. He embarked at Southampton on board a fleet of near a thouſand ſail of all dimenſions; and carried with him, beſides all the chief nobility of England, his eldeſt ſon the prince of Wales, now fifteen years of age. The winds proved long contrary [l]; and the king, in deſpair of arriving in time at Guienne, was at laſt perſuaded by Geoffry d'Harcourt, to change the deſtination of his enterprize.

h Froiſſard, liv. 1. chap. 120.
i Ibid. chap. 121.
k Ibid. chap. 134.
l Aveſbury, p. 123.

CHAP. XV.

terprize. This nobleman was a Norman by birth, had long made a conſiderable figure in the court of France,

1346. and was generally eſteemed for his perſonal merit and his valour; but being diſobliged and perſecuted by Philip, he had fled into England; had recommended himſelf to Edward, who was an excellent judge of men; and had ſucceeded to Robert of Artois in the invidious office of exciting and aſſiſting the king in every enterprize againſt his native country. He had long inſiſted, that an expedition to Normandy promiſed, in the preſent circumſtances, more favourable ſucceſs, than one to Guienne; that Edward would find the northern provinces almoſt deſtitute of military force, which had been drawn to the ſouth; that they were full of flouriſhing cities, whoſe plunder would enrich the Engliſh; that their cultivated fields, as yet unſpoiled by war, would ſupply them with plenty of proviſions; and that the neighbourhood of the capital rendered every event of importance in thoſe quarters [m]. Theſe reaſons, which had not before been duly weighed by Edward, began to make more impreſſion after the diſappointments which he had met with in his voyage to Guienne: He ordered his fleet to ſail to Normandy, and ſafely diſembarked his army at la Hogue.

12th July.

Invaſion of France.

THIS army, which, during the courſe of the enſuing campaign, was crowned with the moſt ſplendid ſucceſs, conſiſted of four thouſand men at arms, ten thouſand archers, ten thouſand Welſh infantry, and ſix thouſand Iriſh. The Welſh and the Iriſh were light, diſorderly troops, fitter for doing execution in a purſuit, or ſcouring the country, than for any ſtable action. The bow was always eſteemed a frivolous weapon, where true military diſcipline was known, and regular bodies of well-armed foot maintained. The only ſolid force in this army were the men at arms; and even theſe, being cavalry, were,

[m] Froiſſard, liv. i. chap. 121.

on

on that account, much inferior, in the shock of battle, to good infantry: And as the whole were new levied troops, we are led to entertain a very mean idea of the military force of those ages, which, being ignorant of every other art, had not properly cultivated the art of war itself, the sole object of general attention. CHAP. XV. 1346.

THE king created the earl of Arundel constable of his army, and the earls of Warwic and Harcourt, mareschals: He bestowed the honour of knighthood on the prince of Wales and several of the young nobility, immediately upon his landing. After destroying all the ships in la Hogue, Barfleur, and Cherbourg, he spread his army over the whole country, and gave them an unbounded licence of burning, spoiling, and plundering every place, of which they became masters. The loose discipline, then prevalent, could not be much hurt by these disorderly practices; and Edward took care to prevent any surprize, by giving orders to his troops, however they might disperse themselves in the day-time, always to quarter themselves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin, were pillaged without resistance; and an universal consternation was spread over the province [n].

THE intelligence of this unexpected invasion soon reached Paris; and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and dispatched the count of Eu, constable of France, and the count of Tancarville, with a body of troops, to the defence of Caën, a populous and commercial but open city, which lay in the neighbourhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the reinforcements which

[n] Froissard, liv. 1. chap. 122.

they

CHAP. XV. 1346.

they daily received from the country, ventured to meet him in the field. But their courage failed them on the first shock: They fled with precipitation: The counts of Eu and Tancarville were taken prisoners: The victors entered the city along with the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition. The citizens, in despair, barricadoed their houses, and assaulted the English with stones, bricks, and every missile weapon: The English made way by fire to the destruction of the citizens: Till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and less hazardous plunder of the city. The pillage continued for three days: The king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen; and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England; together with three hundred of the richest citizens of Caën, whose ransom was an additional profit, which he expected afterwards to levy [o]. This dismal scene passed in the presence of two cardinal legates, who had come to negociate a peace between the kingdoms.

THE king moved next to Roüen in hopes of treating that city in the same manner; but found, that the bridge over the Seine was already broken down, and that the king of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country, and every town and village, which he met with on his road [p]. Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germans, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of the capital. The English intended to pass the river at Poissy, but found the French army encamped on

[o] Froissard, liv. 1. chap. 124. [p] Ibid. chap. 125.

the

the oppoſite banks, and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now ſaw, that the French meant to encloſe him in their country, in hopes of attacking him with advantage on all ſides: But he ſaved himſelf by a ſtratagem from this perilous ſituation. He gave his army orders to diſlodge, and to advance farther up the Seine; but immediately returning by the ſame road, he arrived at Poiſſy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, paſſed over his army, and having thus diſengaged himſelf from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townſmen of Amiens, who were haſtening to reinforce their king, and defeated them with great ſlaughter [q]: He paſſed by Beauvais, and burned the ſuburbs of that city: But as he approached the Somme, he found himſelf in the ſame difficulty as before: All the bridges on that river were either broken down, or ſtrongly guarded: An army, under the command of Godemar de Faye, was ſtationed on the oppoſite banks: Philip was advancing on him from the other quarter, with an army of a hundred thouſand men: And he was thus expoſed to the danger of being encloſed, and of ſtarving in an enemy's country. In this extremity, he publiſhed a reward to any one, that ſhould bring him intelligence of a paſſage over the Somme. A peaſant, called Gobin Agace, whoſe name has been preſerved by the ſhare which he had in theſe important tranſactions, was tempted on this occaſion to betray the intereſts of his country; and he informed Edward of a ford below Abbeville, which had a ſound bottom, and might be paſſed without difficulty at low water [r]. The king haſtened thither, but found Godemar de Faye on the oppoſite banks. Be-

CHAP. XV. 1346.

[q] Froiſſard, liv. i. chap. 125. [r] Ibid. chap. 126, 127.

ing

CHAP. XV.

1346.

ing urged by neceſſity, he deliberated not a moment; but threw himſelf into the river, ſword in hand, at the head of his troops; drove the enemy from their ſtation; and purſued them to a diſtance on the plain [s]. The French army under Philip arrived at the ford, when the rear-guard of the Engliſh were paſſing. So narrow was the eſcape, which Edward, by his prudence and celerity, made from this danger! The riſing of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over the bridge at Abbeville; by which ſome time was loſt.

It is natural to think, that Philip, at the head of ſo vaſt an army, was impatient to take revenge on the Engliſh, and to prevent the diſgrace, to which he muſt be expoſed, if an inferior enemy ſhould be allowed, after ravaging ſo great a part of his kingdom, to eſcape with impunity. Edward alſo was ſenſible, that ſuch muſt be the object of the French monarch; and as he had advanced but a little way before his enemy, he ſaw the danger of precipitating his march over the plains of Picardy, and of expoſing his rear to the inſults of the numerous cavalry, in which the French camp abounded. He took therefore a prudent reſolution: He choſe his ground with advantage near the village of Crecy; he diſpoſed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped, that their eagerneſs to engage, and to prevent his retreat, after all their paſt diſappointments, would hurry them on to ſome raſh and ill-concerted action. He drew up his army on a gentle aſcent, and divided them into three lines: The firſt was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and

Battle of Crecy. 25th Aug.

[s] Froiſſard, liv. i. chap. 127.

1 Northampton,

Northampton, with the lords Willoughby, Baſſet, Roos, and Sir Lewis Tufton, were at the head of the ſecond line: He took to himſelf the command of the third diviſion, by which he purpoſed either to bring ſuccour to the two firſt lines, or to ſecure a retreat in caſe of any misfortune, or to puſh his advantages againſt the enemy. He had likewiſe the precaution to throw up trenches on his flanks, in order to ſecure himſelf from the numerous bodies of the French, who might aſſail him from that quarter; and he placed all his baggage behind him in a wood, which he alſo ſecured by an intrenchment [t]. CHAP. XV. 1346.

THE ſkill and order of this diſpoſition, with the tranquillity in which it was made, ſerved extremely to compoſe the minds of the ſoldiers; and the king, that he might farther inſpirit them, rode through the ranks with ſuch an air of cheerfulneſs and alacrity, as conveyed the higheſt confidence into every beholder. He pointed out to them the neceſſity to which they were reduced, and the certain and inevitable deſtruction which awaited them, if, in their preſent ſituation, encloſed on all hands in an enemy's country, they truſted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many inſults and indignities, which they had of late put upon him. He reminded them of the viſible aſcendant, which they had hitherto maintained, over all the bodies of French troops that had fallen in their way; and aſſured them, that the ſuperior numbers of the army, which at preſent hovered over them, gave them not greater force, but was an advantage eaſily compenſated by the order in which he had placed his own army, and the reſolution which he expected from them. He demanded nothing, he ſaid, but that they would imitate his own example, and that of the prince of Wales; and as the honour, the lives, the liberties of all, were

[t] Froiſſard, liv. i. chap. 128.

now

CHAP. XV. 1346.

now exposed to the same danger, he was confident, that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies.

It is related by some historians [u], that Edward, besides the resources, which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of artillery, the first that had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries, that has been made among men; a discovery, which, changed by degrees the whole art of war: and by consequence many circumstances in the political government of Europe. But the ignorance of that age, in the mechanical arts, rendered the progress of this new invention very slow. The artillery, first framed, were so clumsy and of such difficult management, that men were not immediately sensible of their use and efficacy: And even to the present times, improvements have been continually making on this furious engine, which, though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations, by its means, have been brought more to a level: Conquests have become less frequent and rapid: Success in war has been reduced nearly to be a matter of calculation: And any nation, overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.

The invention of artillery was at this time known in France as well as in England [w]; but Philip, in his hurry

[u] Jean Villani, lib. 12. cap. 66.

[w] Du Cange Gloss. in verb. *Bombarda*.

o overtake the enemy, had probably left his cannon be- CHAP. XV.
hind him, which he regarded as a uſeleſs incumbrance. 1346.
All his other movements diſcovered the ſame imprudence and precipitation. Impelled by anger, a dangerous counſellor, and truſting to the great ſuperiority of his numbers, he thought that all depended on forcing an engagement with the Engliſh, and that, if he could once reach the enemy in their retreat, the victory on his ſide was certain and inevitable. He made a haſty march in ſome confuſion from Abbeville; but after he had advanced above two leagues, ſome gentlemen, whom he had ſent before to take a view of the enemy, returned to him, and brought him intelligence, that they had ſeen the Engliſh drawn up in great order, and awaiting his arrival. They therefore adviſed him to defer the combat till the enſuing day, when his army would have recovered from their fatigue, and might be diſpoſed into better order, than their preſent hurry had permitted them to obſerve. Philip aſſented to this counſel; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One diviſion preſſed upon another: Orders to ſtop were not ſeaſonably conveyed to all of them: This immenſe body was not governed by ſufficient diſcipline to be manageable: And the French army, imperfectly formed into three lines, arrived, already fatigued and diſordered, in preſence of the enemy. The firſt line, conſiſting of 15,000 Genoeſe croſs-bow men, was commanded by Anthony Doria, and Charles Grimaldi: The ſecond was led by the count of Alençon, brother to the king: The king himſelf was at the head of the third. Beſides the French monarch, there were no leſs than three crowned heads in this engagement: The king of Bohemia, the king of the Romans, his ſon, and the king of Majorca; with all the nobility and great vaſſals of the crown of France. The army now conſiſted of above

CHAP. XV. 1346.

120,000 men, more than three times the number of the enemy. But the prudence of one man was superior to the advantage of all this force and splendor.

THE Engliſh, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoeſe firſt began the attack. There had happened, a little before the engagement, a thunder-ſhower, which had moiſtened and relaxed the ſtrings of the Genoeſe croſs-bows; their arrows for this reaſon fell ſhort of the enemy. The Engliſh archers, taking their bows out of their caſes, poured in a ſhower of arrows upon this multitude who were oppoſed to them; and ſoon threw them into diſorder. The Genoeſe fell back upon the heavy-armed cavalry of the count of Alençon[x]; who, enraged at their cowardice, ordered his troops to put them to the ſword. The artillery fired amidſt the crowd; the Engliſh archers continued to ſend in their arrows among them; and nothing was to be ſeen in that vaſt body but hurry and confuſion, terror and diſmay. The young prince of Wales had the preſence of mind to take advantage of this ſituation, and to lead on his line to the charge. The French cavalry, however, recovering ſomewhat their order, and encouraged by the example of their leader, made a ſtout reſiſtance; and having at laſt cleared themſelves of the Genoeſe runaways, advanced upon their enemies, and by their ſuperior numbers began to hem them round. The earls of Arundel and Northampton now advanced their line to ſuſtain the prince, who, ardent in his firſt ſeats of arms, ſet an example of valour, which was imitated by all his followers. The battle became for ſome time hot and dangerous, and the earl of Warwic, apprehenſive of the event from the ſuperior numbers of the French, diſpatched a meſſenger to the king, and entreated him to ſend ſuccours to the relief of the prince. Edward had choſen his ſtation on the top of the hill; and he ſurveyed in tran-

[x] Froiſſard, liv. i. chap. 130.

quillity

quillity the ſcene of action. When the meſſenger accoſted him, his firſt queſtion was, whether the prince were ſlain or wounded. On receiving an anſwer in the negative, *Return*, ſaid he, *to my ſon, and tell him that I reſerve the honour of the day to him: I am confident that he will ſhow himſelf worthy of the honour of knighthood, which I ſo lately conferred upon him: He will be able without my aſſiſtance to repel the enemy*[y]. This ſpeech, being reported to the prince and his attendants, inſpired them with freſh courage: They made an attack with redoubled vigour on the French, in which the count of Alençon was ſlain: That whole line of cavalry was thrown into diſorder: The riders were killed or diſmounted: The Welſh infantry ruſhed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors[z].

CHAP. XV. 1346.

THE king of France advanced in vain with the rear to ſuſtain the line commanded by his brother: He found them already diſcomfited; and the example of their rout encreaſed the confuſion, which was before but too prevalent in his own body. He had himſelf a horſe killed under him: He was remounted; and, though left almoſt alone, he ſeemed ſtill determined to maintain the combat; when John of Hainault ſeized the reins of his bridle, turned about his horſe, and carried him off the field of battle. The whole French army took to flight, and was followed and put to the ſword without mercy by the enemy; till the darkneſs of the night put an end to the purſuit. The king, on his return to the camp, flew into the arms of the prince of Wales, and exclaimed; *My brave ſon: Perſevere in your honourable cauſe: You are my ſon; for valiantly have you acquitted yourſelf to-day: You have ſhewn yourſelf worthy of empire*[a].

[y] Froiſſard, liv. i. chap. 130. [z] Ibid. [a] Ibid. chap. 131.

CHAP. XV.

1346. THIS battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the Engliſh obſerved, that many of the enemy had loſt their way in the night and in the miſt, they employed a ſtratagem to bring them into their power: They erected on the eminences ſome French ſtandards which they had taken in the battle; and all, who were allured by this falſe ſignal, were put to the ſword, and no quarter given them. In excuſe for this inhumanity, it was alleged that the French king had given like orders to his troops; but the real reaſon probably was, that the Engliſh, in their preſent ſituation, did not chuſe to be encumbered with priſoners. On the day of battle, and on the enſuing, there fell, by a moderate computation, 1200 French knights, 1400 gentlemen, 4000 men at arms, beſides about 30,000 of inferior rank [b]: Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The kings alſo of Bohemia and Majorca were ſlain: The fate of the former was remarkable: He was blind from age; but being reſolved to hazard his perſon, and ſet an example to others, he ordered the reins of his bridle to be tied on each ſide to the horſes of two gentlemen of his train; and his dead body, and thoſe of his attendants, were afterwards found among the ſlain, with their horſes ſtanding by them in that ſituation [c]. His creſt was three oſtrich feathers; and his motto theſe German words, *Ich dien*, *I ſerve*: Which the prince of Wales and his ſucceſſors adopted in memorial of this great victory. The action may ſeem no leſs remarkable for the ſmall loſs ſuſtained by the Engliſh than for the great ſlaughter of the French: There were killed in it only

[b] Froiſſard, liv. i. chap 131. Knyghton, p. 2588. [c] Froiſſard, liv. i. chap. 130. Walſingham, p. 166.

one

one esquire and three knights [d], and very few of inferior rank; a demonstration, that the prudent dispositition planned by Edward, and the disorderly attack made by the French, had rendered the whole rather a rout than a battle, which was indeed the common case with engagements in those times. CHAP. XV. 1346.

The great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures which he pursued after it. Not elated by his present prosperity, so far as to expect the total conquest of France, or even that of any considerable provinces; he purposed only to secure such an easy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themselves, his former partizans, on his attempting to transfer the sovereignty of that province to the prince of Wales [e]. The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before the place.

John of Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with every thing necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their king and country. Edward therefore, sensible from the beginning that it was in vain to attempt the place by force, purposed only to reduce it by famine: He chose a secure station for his camp; drew entrenchments around the whole city; raised huts for his soldiers, which he covered

[d] Knyghton, p. 2588. [e] Froissard, liv. i. chap. 116.

CHAP. XV.

1346. with straw or broom; and provided his army with all the conveniencies, necessary to make them endure the winter season, which was approaching. As the governor soon perceived his intention, he expelled all the useless mouths; and the king had the generosity to allow these unhappy people to pass through his camp, and he even supplied them with money for their journey [f].

While Edward was engaged in this siege, which employed him near a twelvemonth, there passed in different places many other events; and all to the honour of the English arms.

The retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: He made himself master of Lusignan in the same manner: Taillebourg and St. Jean d'Angeli fell into his hands: Poictiers opened its gates to him; and Derby having thus broken into the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled all the southern provinces of France with horror and devastation [g].

The flames of war were at the same time kindled in Britanny. Charles of Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the countess of Mountfort, reinforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his entrenchments, dispersed his army, and took Charles himself prisoner [h]. His wife, by whom he enjoyed his pretensions to Britanny, compelled by the present necessity, took on her the government of the party, and proved herself a rival in every shape, and an antagonist to the countess of Mountfort, both in the field and in the cabinet. And while these heroic dames presented this extraordinary scene to the world, another

[f] Froissard, liv. i. chap. 133. [g] Ibid. chap. 136. [h] Ibid. chap. 143. Walsingham, p. 168. Ypod. Neust. p. 517, 518.

princess

princeſs in England, of ſtill higher rank, ſhowed herſelf no leſs capable of exerting every manly virtue. CHAP. XV.

THE Scottiſh nation, after long defending, with incredible perſeverance, their liberties againſt the ſuperior force of the Engliſh, recalled their king, David Bruce, in 1342. Though that prince, neither by his age nor capacity, could bring them great aſſiſtance, he gave them the countenance of ſovereign authority; and as Edward's wars on the continent proved a great diverſion to the force of England, they rendered the balance more equal between the kingdoms. In every truce which Edward concluded with Philip, the king of Scotland was comprehended: and when Edward made his laſt invaſion upon France, David was ſtrongly ſolicited by his ally to begin alſo hoſtilities, and to invade the northern counties of England. The nobility of his nation being always forward in ſuch incurſions, David ſoon muſtered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devaſtations to the gates of Durham [i]. But queen Philippa, aſſembling a body of little more than 12,000 men [k], which ſhe entruſted to the command of Lord Piercy, ventured to approach him at Neville's Croſs near that city; and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on theſe barbarous ravagers [l]. Nor could ſhe be perſuaded to leave the field, till the armies were on the point of engaging. The Scots have often been unfortunate in the great pitched battles which they fought with the Engliſh; even though they commonly declined ſuch engagements where the ſuperiority of numbers was not on their ſide: But never did they receive a more fatal blow than the preſent. They were broken and chaced off the field: Fifteen thouſand of them, ſome

1346. War with Scotland.

17th Oct.

[i] Froiſſard, liv. 1. chap. 137.
[k] Ibid. chap. 138.
[l] Ibid. chap. 138.

CHAP. XV.

historians say twenty thousand, were slain; among whom were Edward Keith, earl Mareschal, and Sir Thomas Charteris, chancellor: And the king himself was taken prisoner, with the earls of Southerland, Fife, Monteith, Carric, lord Douglas, and many other noblemen [m].

1346. Captivity of the king of Scots.

PHILIPPA, having secured her royal prisoner in the Tower [n], crossed the sea at Dover; and was received in the English camp before Calais with all the triumph due to her rank, her merit, and her success. This age was the reign of chivalry and gallantry: Edward's court excelled in these accomplishments as much as in policy and arms: And if any thing could justify the obsequious devotion then professed to the fair sex, it must be the appearance of such extraordinary women as shone forth during that period.

1347. Calais taken.

THE town of Calais had been defended with remarkable vigilance, constancy, and bravery by the townsmen, during a siege of unusual length: But Philip, informed of their distressed condition, determined at last to attempt their relief; and he approached the English with an immense army, which the writers of that age make amount to 200,000 men. But he found Edward so surrounded with morasses, and secured by entrenchments, that, without running on inevitable destruction, he concluded it impossible to make an attempt on the English camp. He had no other resource than to send his rival a vain challenge to meet him in the open field; which being refused, he was obliged to decamp with his army, and disperse them into their several provinces [o].

JOHN OF VIENNE, governor of Calais, now saw the necessity of surrendering his fortress, which was reduced

[m] Froissard, liv. 1. chap. 139.
[n] Rymer, vol. v. p. 537.
[o] Froissard, liv. 1. chap. 144, 145. Avesbury, p. 161, 162.

to

to the laſt extremity, by famine and the fatigue of the inhabitants. He appeared on the walls, and made a ſignal to the Engliſh centinels that he deſired a parley. Sir Walter Manny was ſent to him by Edward. "Brave "knight," cried the governor, "I have been entruſted "by my ſovereign with the command of this town: It "is almoſt a year ſince you beſieged me; and I have "endeavoured, as well as thoſe under me, to do our "duty. But you are acquainted with our preſent con-"dition: We have no hopes of relief; we are periſhing "with hunger; I am willing therefore to ſurrender, and "deſire, as the ſole condition, to enſure the lives and "liberties of theſe brave men, who have ſo long ſhared "with me every danger and fatigue [p]."

CHAP. XV. 1347.

MANNY replied, that he was well acquainted with the intentions of the king of England; that that prince was incenſed againſt the townſmen of Calais for their pertinacious reſiſtance, and for the evils which they had made him and his ſubjects ſuffer; that he was determined to take exemplary vengeance on them; and would not receive the town on any condition which ſhould confine him in the puniſhment of theſe offenders. "Conſider," replied Vienne, "that this is not the treatment to which "brave men are intitled: If any Engliſh knight had "been in my ſituation, your king would have expected "the ſame conduct from him. The inhabitants of Ca-"lais have done for their ſovereign what merits the eſ-"teem of every prince; much more of ſo gallant a prince "as Edward. But I inform you, that, if we muſt periſh, "we ſhall not periſh unrevenged; and that we are not "yet ſo reduced, but we can ſell our lives at a high price "to the victors. It is the intereſt of both ſides to pre-"vent theſe deſperate extremities; and I expect, that

[p] Froiſſard, liv. 1. chap. 146.

"you

CHAP. XV. "you yourself, brave knight, will interpose your good offices with your prince in our behalf."

1347. MANNY was struck with the justness of these sentiments, and represented to the king the danger of reprisals, if he should give such treatment to the inhabitants of Calais. Edward was at last persuaded to mitigate the rigour of the conditions demanded: He only insisted, that six of the most considerable citizens should be sent to him to be disposed of as he thought proper; that they should come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: And on these conditions, he promised to spare the lives of all the remainder [q].

WHEN this intelligence was conveyed to Calais, it struck the inhabitants with new consternation. To sacrifice six of their fellow-citizens to certain destruction, for signalizing their valour in a common cause, appeared to them even more severe than that general punishment, with which they were before threatened; and they found themselves incapable of coming to any resolution in so cruel and distressful a situation. At last one of the principal inhabitants called Eustace de St. Pierre, whose name deserves to be recorded, stepped forth, and declared himself willing to encounter death for the safety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth presented themselves to the same fate; and the whole number was soon completed. These six heroic burgesses appeared before Edward in the guise of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is surprizing, that so generous a prince should ever have entertained such a barbarous purpose against such men; and still more that he should seriously persist

[q] Froissard, liv. 1. chap. 146.

in

in the resolution of executing it *. But the entreaties of his queen saved his memory from that infamy: She threw herself on her knees before him, and with tears in her eyes begged the lives of these citizens. Having obtained her request, she carried them into her tent, ordered a repast to be set before them, and after making them a present of money and clothes, dismissed them in safety [r]. CHAP. XV. 1347.

THE king took possession of Calais; and immediately executed an act of rigor, more justifiable because more necessary, than that which he had before resolved on. He knew, that, notwithstanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy: He therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with English; a policy which probably preserved so long to his successors the dominion of that important fortress. He made it the staple of wool, leather, tin, and lead; the four chief, if not the sole commodities of the kingdom, for which there was any considerable demand in foreign markets. All the English were obliged to bring thither these goods: Foreign merchants came to the same place in order to purchase them: And at a period, when posts were not established, and when the communication between states was so imperfect, this institution, though it hurt the navigation of England, was probably of advantage to the kingdom. 4th August.

THROUGH the mediation of the pope's legates, Edward concluded a truce with France; but even during this cessation of arms, he had very nearly lost Calais, the sole fruit of all his boasted victories. The king had entrusted that place to Aimery de Pavie, an Italian, who had discovered bravery and conduct in the wars, 1348.

* See note [H] at the end of the volume.

[r] Froissard, liv. 1. chap. 146.

but

CHAP. XV.

but was utterly destitute of every principle of honour and fidelity. This man agreed to deliver up Calais for
1348. the sum of 20,000 crowns; and Geoffrey de Charni, who commanded the French forces in those quarters, and who knew, that, if he succeeded in this service, he should not be disavowed, ventured, without consulting his master, to conclude the bargain with him. Edward, informed of this treachery, by means of Aimery's secretary, summoned the governor to London on other pretences; and having charged him with the guilt, promised him his life, but on condition that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was appointed for the admission of the French; and Edward, having prepared a force of about a thousand men, under Sir Walter Manny, secretly departed from London, carrying with him the prince of Wales; and without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy; and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen band of French soldiers was admitted at the postern, and Aimery, receiving the stipulated sum, promised, that, with their assistance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilling of his engagement. All the
1349. 31st Jan. French who entered were immediately slain or taken prisoners: The great gate opened: Edward rushed forth with cries of battle and of victory: The French, though astonished at the event, behaved with valour: A fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of Sir Walter Manny, remarked a French gentleman, called Eustace de Ribaumont, who exerted himself with singular vigour and bravery; and he was seized with a desire of trying a single combat with him. He stepped forth from his troop, and challenging

challenging Ribaumont by name, (for he was known to him) began a ſharp and dangerous encounter. He was twice beaten to the ground by the valour of the Frenchman: He twice recovered himſelf: Blows were redoubled with equal force on both ſides: The victory was long undecided: Till Ribaumont, perceiving himſelf to be left almoſt alone, called out to his antagoniſt, *Sir knight, I yield myſelf your priſoner*; and at the ſame time delivered his ſword to the king. Moſt of the French, being overpowered by numbers, and intercepted in their retreat, loſt either their lives or their liberty [s].

CHAP. XV. 1349.

THE French officers, who had fallen into the hands of the Engliſh, were conducted into Calais; where Edward diſcovered to them the antagoniſt with whom they had had the honour to be engaged, and treated them with great regard and courteſy. They were admitted to ſup with the prince of Wales, and the Engliſh nobility; and after ſupper, the king himſelf came into the apartment, and went about, converſing familiarly with one or other of his priſoners. He even addreſſed himſelf to Charni, and avoided reproaching him, in too ſevere terms, with the treacherous attempt, which he had made upon Calais during the truce: But he openly beſtowed the higheſt encomiums on Ribaumont; called him the moſt valorous knight that he had ever been acquainted with; and confeſſed, that he himſelf had at no time been in ſo great danger as when engaged in combat with him. He then took a ſtring of pearls, which he wore about his own head, and throwing it over the head of Ribaumont, he ſaid to him, "Sir Euſtace, I beſtow this preſent upon "you, as a teſtimony of my eſteem for your bravery: "And I deſire you to wear it a year for my ſake: I "know you to be gay and amorous; and to take delight "in the company of ladies and damſels: Let them all

[s] Froiſſard, liv. 1. chap. 140, 141, 142.

"know

CHAP. XV. 1349.

"know from what hand you had the present: You are "no longer a prisoner; I acquit you of your ransom; "and you are at liberty to-morrow to dispose of your- "self as you think proper."

NOTHING proves more evidently the vast superiority assumed by the nobility and gentry above all the other orders of men during those ages, than the extreme difference which Edward made in his treatment of these French knights, and that of the six citizens of Calais, who had exerted more signal bravery in a cause more justifiable and more honourable.

CHAP. XVI.

EDWARD III.

Inſtitution of the garter —— State of France —— Battle of Poictiers —— Captivity of the king of France —— State of that kingdom —— Invaſion of France —— Peace of Bretigni —— State of France —— Expedition into Caſtile —— Rupture with France —— Ill ſucceſs of the Engliſh —— Death of the prince of Wales —— Death —— and character of the king —— Miſcellaneous tranſactions in this reign.

THE prudent conduct and great ſucceſs of Edward in his foreign wars had excited a ſtrong emulation and a military genius among the Engliſh nobility; and theſe turbulent barons, over-awed by the crown, gave now a more uſeful direction to their ambition, and attached themſelves to a prince who led them to the acquiſition of riches and of glory. That he might farther promote the ſpirit of emulation and obedience, the king inſtituted the order of the garter, in imitation of ſome orders of a like nature, religious as well as military, which had been eſtabliſhed in different parts of Europe. The number received into this order conſiſted of twenty-five perſons, beſides the ſovereign; and as it has never been enlarged, this badge of diſtinction continues as honourable as at its firſt inſtitution, and is ſtill a valuable, though a cheap, preſent, which the prince can confer on his greateſt ſubjects. A vulgar ſtory prevails, but is not ſupported by any ancient authority, that, at a court-

CHAP. XVI. 1349.

Inſtitution of the garter.

CHAP. XVI.

1349. ball, Edward's miſtreſs, commonly ſuppoſed to be the counteſs of Saliſbury, dropped her garter; and the king, taking it up, obſerved ſome of the courtiers to ſmile, as if they thought that he had not obtained this favour merely by accident: Upon which he called out, *Honi ſoit qui mal y penſe*, Evil to him that evil thinks; and as every incident of gallantry among thoſe ancient warriors was magnified into a matter of great importance *, he inſtituted the order of the garter in memorial of this event, and gave theſe words as the motto of the order. This origin, though frivolous, is not unſuitable to the manners of the times; and it is indeed difficult by any other means to account, either for the ſeemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which ſeems to have no reference to any purpoſe either of military uſe or ornament.

BUT a ſudden damp was thrown over this feſtivity and triumph of the court of England, by a deſtructive peſtilence, which invaded that kingdom as well as the reſt of Europe; and is computed to have ſwept away near a third of the inhabitants in every country, which it attacked. It was probably more fatal in great cities than in the country; and above fifty thouſand ſouls are ſaid to have periſhed by it in London alone [t]. This malady firſt diſcovered itſelf in the north of Aſia, was ſpread over all that country, made its progreſs from one end of Europe to the other, and ſenſibly depopulated every ſtate through which it paſſed. So grievous a calamity, more than the pacific diſpoſition of the princes, ſerved to maintain and prolong the truce between France and England.

* See note [I] at the end of the volume.

[t] Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which Sir Walter Manny had bought for the uſe of the poor. The ſame author ſays, that there died above 50,000 perſons of the plague in Norwich, which is quite incredible.

DURING

CHAP. XVI.

DURING this truce, Philip de Valois died, without being able to re-eſtabliſh the affairs of France, which his bad ſucceſs againſt England had thrown into extreme diſorder. This monarch, during the firſt years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; leſs from his own fault, than becauſe he was overmatched by the ſuperior fortune and ſuperior genius of Edward. But the incidents in the reign of his ſon John, gave the French nation cauſe to regret even the calamitous times of his predeceſſor. John was diſtinguiſhed by many virtues, particularly a ſcrupulous honour and fidelity: He was not deficient in perſonal courage: But as he wanted that maſterly prudence and foreſight, which his difficult ſituation required, his kingdom was at the ſame time diſturbed by inteſtine commotions, and oppreſſed with foreign wars. The chief ſource of its calamities, was Charles king of Navarre, who received the epithet of the *bad* or *wicked*, and whoſe conduct fully entitled him to that appellation. This prince was deſcended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himſelf eſpouſed a daughter of king John: But all theſe ties, which ought to have connected him with the throne, gave him only greater power to ſhake and overthrow it. With regard to his perſonal qualities, he was courteous, affable, engaging, eloquent; full of inſinuation and addreſs; inexhauſtible in his reſources; active and enterpriſing. But theſe ſplendid accompliſhments were attended with ſuch defects, as rendered them pernicious to his country, and even ruinous to himſelf: He was volatile, inconſtant, faithleſs, revengeful, malicious: Reſtrained by no principle or duty: Inſatiable in his pretenſions: And whether ſucceſsful or unfortunate in one enterprize, he immediately undertook another, in which he was never

1350.

1354. State of France.

CHAP. XVI.

deterred from employing the moſt criminal and moſt diſhonourable expedients.

1354. THE conſtable of Eu, who had been taken priſoner by Edward at Caen, recovered his liberty, on the promiſe of delivering as his ranſom, the town of Guiſnes, near Calais, of which he was ſuperior lord: But as John was offended at this ſtipulation, which, if fulfilled, opened ſtill farther that frontier to the enemy, and as he ſuſpected the conſtable of more dangerous connexions with the king of England, he ordered him to be ſeized, and without any legal or formal trial, put him to death in priſon. Charles de la Cerda was appointed conſtable in his place; and had a like fatal end: The king of Navarre ordered him to be aſſaſſinated; and ſuch was the weakneſs of the crown, that this prince, inſtead of dreading puniſhment, would not even agree to aſk pardon for his offence, but on condition that he ſhould receive an acceſſion of territory: And he had alſo John's ſecond ſon put into his hands, as a ſecurity for his perſon, when he came to court, and performed this act of mock penitence and humiliation before his ſovereign [u].

1355. THE two French princes ſeemed entirely reconciled; but this diſſimulation, to which John ſubmitted from neceſſity, and Charles from habit, did not long continue; and the king of Navarre knew, that he had reaſon to apprehend the moſt ſevere vengeance for the many crimes and treaſons, which he had already committed, and the ſtill greater, which he was meditating. To enſure himſelf of protection, he entered into a ſecret correſpondence with England, by means of Henry earl of Derby, now earl of Lancaſter, who at that time was employed in fruitleſs negociations for peace at Avignon, under the mediation of the pope. John detected this correſpondence;

[u] Froiſſard, liv. 1. chap. 144.

and

and to prevent the dangerous effects of it, he sent forces into Normandy, the chief seat of the king of Navarre's power, and attacked his castles and fortresses. But hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traiterous subject the sum of a hundred thousand crowns, as the purchase of a feigned reconcilement, which rendered him still more dangerous. The king of Navarre, insolent from past impunity, and desperate from the dangers which he apprehended, continued his intrigues; and associating himself with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious disposition, he encreased the number of his partizans in every part of the kingdom. He even seduced by his address, Charles, the king of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connexions, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feast at Roüen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution; the king of Navarre was thrown into prison [w]: But this stroke of severity in the king, and of treachery in the Dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffroy d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity.

CHAP. XVI. 1355.

[w] Froissard, liv. i. chap. 146. Avesbury, p. 243.

CHAP. XVI.

1355. THE truce between the two kingdoms, which had always been ill obſerved on both ſides, was now expired; and Edward was entirely free to ſupport the French malcontents. Well pleaſed, that the factions in France had at length gained him ſome partizans in that kingdom, which his pretenſions to the crown had never been able to accompliſh, he purpoſed to attack his enemy both on the ſide of Guienne, under the command of the prince of Wales, and on that of Calais, in his own perſon.

YOUNG Edward arrived in the Garronne with his army, on board a fleet of three hundred ſail, attended by the earls of Warwic, Saliſbury, Oxford, Suffolk, and other Engliſh noblemen. Being joined by the vaſſals of Gaſcony, he took the field; and as the preſent diſorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devaſtations, according to the mode of war in that age. He reduced all the villages and ſeveral towns in Languedoc to aſhes: He preſented himſelf before Toulouſe; paſſed the Garronne, and burned the ſuburbs of Carcaſſonne; advanced even to Narbonne, laying every place waſte around him: And after an incurſion of ſix weeks, returned with a vaſt booty and many priſoners to Guienne, where he took up his winter-quarters [x]. The conſtable of Bourbon, who commanded in thoſe provinces, received orders, though at the head of a ſuperior army, on no account to run the hazard of a battle.

THE king of England's incurſion from Calais was of the ſame nature, and attended with the ſame iſſue. He broke into France at the head of a numerous army; to which he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was poſted; and on the retreat of that

[x] Froiſſard, liv. 1. chap. 144. 146.

prince, followed him to Hesdin [y]. John still kept at a distance, and declined an engagement: But in order to save his reputation, he sent Edward a challenge to fight a pitched battle with him; a usual bravadoe in that age, derived from the practice of single combat, and ridiculous in the art of war. The king, finding no sincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom against a threatened invasion of the Scots. CHAP. XVI. 1355.

THE Scots, taking advantage of the king's absence, and that of the military power of England, had surprized Berwic; and had collected an army with a view of committing ravages upon the northern provinces: But on the approach of Edward, they abandoned that place, which was not tenable, while the castle was in the hands of the English; and retiring to their mountains, gave the enemy full liberty of burning and destroying the whole country from Berwic to Edinburgh [z]. Baliol attended Edward on this expedition; but finding, that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland [a], and received in lieu of them an annual pension of 2000 pounds, with which he passed the remainder of his life in privacy and retirement.

DURING these military operations, Edward received information of the encreasing disorders in France, arising from the imprisonment of the king of Navarre; and he sent Lancaster at the head of a small army, to support the partizans of that prince in Normandy. The war was conducted with various success; but chiefly to the disadvantage of the French malcontents; till an important

y Froissard, liv. 1. chap. 144. Avesbury, p. 206. Walsing. p. 171.
z Walsing. p. 171. a Rymer, vol. v. p. 823. Ypod. Neust. p. 521.

CHAP. XVI.

event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmoſt confuſion.

1355.

1356. THE prince of Wales, encouraged by the ſucceſs of the preceding campaign, took the field with an army, which no hiſtorian makes amount to above 12,000 men, and of which not a third were Engliſh; and with this ſmall body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limouſin, he entered the province of Berry; and made ſome attacks, though without ſucceſs, on the towns of Bourges and Iſſoudun. It appeared, that his intentions were to march into Normandy, and to join his forces with thoſe of the earl of Lancaſter, and the partizans of the king of Navarre; but finding all the bridges on the Loire broken down, and every paſs carefully guarded, he was obliged to think of making his retreat into Guienne [b]. He found this reſolution the more neceſſary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the inſult offered him by this incurſion, and entertaining hopes of ſucceſs from the young prince's temerity, collected a great army of above 60,000 men, and advanced by haſty marches to intercept his enemy. The prince, not aware of John's near approach, loſt ſome days, on his retreat, before the caſtle of Remorantin [c]; and thereby gave the French an opportunity of overtaking him. They came within ſight at Maupertuis near Poictiers; and Edward, ſenſible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldeſt and moſt experienced commander.

Battle of Poictiers.

BUT the utmoſt prudence and courage would have proved inſufficient to ſave him in this extremity, had the

[b] Walſing. p. 171.

[c] Froiſſard, liv. 1. chap. 158. Walſing. p. 171.

king

king of France known how to make use of his present advantages. His great superiority in numbers enabled him to surround the enemy; and by intercepting all provisions, which were already become scarce in the English camp, to reduce this small army, without a blow, to the necessity of surrendering at discretion. But such was the impatient ardour of the French nobility, and so much had their thoughts been bent on overtaking the English as their sole object, that this idea never struck any of the commanders; and they immediately took measures for the assault, as for a certain victory. While the French army was drawn up in order of battle, they were stopped by the appearance of the cardinal of Perigord; who having learned the approach of the two armies to each other, had hastened, by interposing his good offices, to prevent any farther effusion of Christian blood. By John's permission, he carried proposals to the prince of Wales; and found him so sensible of the bad posture of his affairs, that an accommodation seemed not impracticable. Edward told him, that he would agree to any terms consistent with his own honour and that of England; and he offered to purchase a retreat by ceding all the conquests, which he had made during this and the former campaign, and by stipulating not to serve against France during the course of seven years. But John, imagining that he had now got into his hands a sufficient pledge for the restitution of Calais, required that Edward should surrender himself prisoner with a hundred of his attendants; and offered on these terms a safe retreat to the English army. The prince rejected the proposal with disdain; and declared, that, whatever fortune might attend him, England should never be obliged to pay the price of his ransom. This resolute answer cut off all hopes of accommodation; but as the day was already

CHAP. XVI. 1356.

CHAP. XVI.

spent in negociating, the battle was delayed till the next morning [d].

1356. THE cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French intereſt; but the moſt determined enemy could not, by any expedient, have done a greater prejudice to John's affairs, than he did them by this delay. The prince of Wales had leiſure, during the night, to ſtrengthen, by new intrenchments, the poſt which he had before ſo judiciouſly choſen; and he contrived an ambuſh of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls of Saliſbury and Suffolk, the main body by the prince himſelf. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

19th Sept.

JOHN alſo arranged his forces in three diviſions, nearly equal: The firſt was commanded by the duke of Orleans, the king's brother; the ſecond by the Dauphin attended by his two younger brothers; the third by the king himſelf, who had by his ſide Philip, his fourth ſon and favourite, then about fourteen years of age. There was no reaching the Engliſh army but through a narrow lane, covered on each ſide by hedges; and in order to open this paſſage, the mareſchals, Andrehen and Clermont, were ordered to advance with a ſeparate detachment of men at arms. While they marched along the lane, a body of Engliſh archers, who lined the hedges, plyed them on each ſide with their arrows; and being very near them, yet placed in perfect ſafety, they coolly took their aim againſt the enemy, and ſlaughtered them with impunity.

[d] Froiſſard, liv. 1. chap. 161.

The

The French detachment, much discouraged by the unequal combat, and diminished in their number, arrived at the end of the lane, where they met on the open ground the prince of Wales himself, at the head of a chosen body, ready for their reception. They were discomfited and overthrown: One of the mareschals was slain; the other taken prisoner: And the remainder of the detachment, who were still in the lane, and exposed to the shot of the enemy, without being able to make resistance, recoiled upon their own army, and put every thing into disorder [e]. In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the Dauphin's line, which fell into some confusion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field, and set the example of flight, which was followed by that whole division. The duke of Orleans, seized with a like panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned into a flight. Lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division, under king John, which, though more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valour, what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto: A fierce battle ensued: One side were encouraged by the near prospect of so great a victory: The other were stimulated by the shame of quitting the field to an

CHAP. XVI. 1356.

[e] Froissard, liv. 1. chap. 162.

enemy

CHAP. XVI.

enemy so much inferior: But the three German generals, together with the duke of Athens, constable of France, falling in battle, that body of cavalry gave way, and left the king himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his side, one after another: His son, scarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The king himself, spent with fatigue, and overwhelmed by numbers, might easily have been slain; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, exhorted him to surrender, and offered him quarter: Several who attempted to seize him, suffered for their temerity. He still cried out, *Where is my cousin, the prince of Wales?* and seemed unwilling to become prisoner to any person of inferior rank.

1356. Captivity of the king of France.

But being told, that the prince was at a distance on the field, he threw down his gauntlet, and yielded himself to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His son was taken with him [f].

The prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself after the toils of battle; enquiring still with great anxiety concerning the fate of the French monarch. He dispatched the earl of Warwic to bring him intelligence; and that nobleman came happily in time to save the life of the captive prince, which was exposed to greater danger than it had been during the heat of action. The English had taken him by violence from Morbec: The Gascons claimed the honour of detaining the royal prisoner: And some brutal soldiers, rather than yield the prize to their rivals, had threatened to put him to death [g].

[f] Rymer, vol. vi. p. 72. 154. Froissard, liv. 1. chap. 164.
[g] Froissard, liv. 1. chap. 164.

Warwic

Warwic overawed both parties, and approaching the king with great demonstrations of respect, offered to conduct him to the prince's tent. CHAP. XVI. 1356.

HERE commences the real and truly admirable heroism of Edward: For victories are vulgar things in comparison of that moderation and humanity displayed by a young prince of twenty-seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and sympathy; administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valour; and ascribed his own victory merely to the blind chance of war or to a superior providence, which controuls all the efforts of human force and prudence [h]. The behaviour of John showed him not unworthy of this courteous treatment: His present abject fortune never made him forget a moment that he was a king: More touched by Edward's generosity than by his own calamities, he confessed, that, notwithstanding his defeat and captivity, his honour was still unimpaired; and that, if he yielded the victory, it was at least gained by a prince of such consummate valour and humanity.

EDWARD ordered a repast to be prepared in his tent for the prisoner; and he himself served at the royal captive's table, as if he had been one of his retinue: He stood at the king's back during the meal; constantly refused to take a place at table; and declared, that, being a subject, he was too well acquainted with the distance between his own rank, and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion: John in captivity received the honours of a king, which were refused him when seated on the throne: His misfortunes, not his title, were respected; and the French prisoners,

[h] Paul. Æmil. p. 197.

conquered

CHAP. XVI.

conquered by this elevation of mind, more than by their late discomfiture, burst into tears of admiration; which

1357. were only checked by the reflection, that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country [i].

All the English and Gascon knights imitated the generous example set them by their prince. The captives were every where treated with humanity, and were soon after dismissed on paying moderate ransoms to the persons into whose hands they had fallen. The extent of their fortunes was considered; and an attention was given, that they should still have sufficient means left to perform their military service in a manner suitable to their rank and quality. Yet so numerous were the noble prisoners, that these ransoms, added to the spoils, gained in the field, were sufficient to enrich the princes army; and as they had suffered very little in the action, their joy and exultation was complete.

The prince of Wales conducted his prisoner to Bourdeaux; and not being provided with forces so numerous as might enable him to push his present advantages, he concluded a two years' truce with France [k], which was also become requisite, that he might conduct the captive king with safety into England. He landed at Southwark, and was met by a great concourse of people, of all

24th May. ranks and stations. The prisoner was clad in royal apparel, and mounted on a white steed, distinguished by its size and beauty, and by the richness of its furniture. The conqueror rode by his side in a meaner attire, and carried by a black palfry. In this situation, more glorious than all the insolent parade of a Roman triumph, he passed through the streets of London, and presented the king of France to his father, who advanced to meet

[i] Froissard, liv. 1. chap. 168. [k] Rymer, vol. vi. p. 3.

him,

him, and received him with the same courtesy, as if he had been a neighbouring potentate, that had voluntarily come to pay him a friendly visit[l]. It is impossible, in reflecting on this noble conduct, not to perceive the advantages, which resulted from the otherwise whimsical principles of chivalry, and which gave men, in those rude times, some superiority even over people of a more cultivated age and nation. CHAP. XVI. 1357.

THE king of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be prisoners in his capital. But Edward, finding that the conquest of Scotland was nowise advanced by the captivity of its sovereign, and that the government, conducted by Robert Stuart, his nephew and heir, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of 100,000 marks sterling; and that prince delivered the sons of all his principal nobility, as hostages for the payment[m].

MEANWHILE, the captivity of John, joined to the preceding disorders of the French government, had produced in that country, a dissolution, almost total, of civil authority, and had occasioned confusions, the most horrible and destructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in such early years, he possessed neither experience nor authority sufficient to defend a 1358. State of France.

[l] Froissard, liv. i. chap. 173. [m] Rymer, vol. vi. p. 45, 46. 52. 56. Froissard, liv. i, chap. 174. Walsing. p. 173.

state,

CHAP. XVI.

state, assailed at once by foreign power and shaken by intestine faction. In order to obtain supply, he assembled

1358. the states of the kingdom: That assembly, instead of supporting his administration, were themselves seized with the spirit of confusion; and laid hold of the present opportunity to demand limitations of the prince's power, the punishment of past malversations, and the liberty of the king of Navarre. Marcel, provost of the merchants, and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity; they murdered in his presence Robert de Clermont and John de Conflans, mareschals, the one of Normandy, the other of Burgundy; they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporize and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion. The other cities of the kingdom, in imitation of the capital, shook off the dauphin's authority; took the government into their own hands; and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown, and were naturally disposed to check these tumults, had lost all their influence; and being reproached with cowardice on account of the base desertion of their sovereign in the battle of Poictiers, were treated with universal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in discipline, threw off all regard to their officers, sought the means of subsistance by plunder and robbery, and associating to them all the disorderly people, with whom that age abounded, formed numerous bands, which infested all parts of the kingdom. They desolated the open country; burned and plundered the villages; and by cutting off all means of communication or subsistance,

CHAP. XVI. 1358.

ſiſtance, reduced even the inhabitants of the walled towns to the moſt extreme neceſſity. The peaſants, formerly oppreſſed, and now left unprotected, by their maſters, became deſperate from their preſent miſery; and riſing every where in arms, carried to the laſt extremity thoſe diſorders, which were derived from the ſedition of the citizens and diſbanded ſoldiers [n]. The gentry, hated for their tyranny, were every where expoſed to the violence of popular rage; and inſtead of meeting with the regard due to their paſt dignity, became only, on that account, the object of more wanton inſult to the mutinous peaſants. They were hunted like wild beaſts, and put to the ſword without mercy: Their caſtles were conſumed with fire, and levelled to the ground: Their wives and daughters were firſt raviſhed, then murdered: The ſavages proceeded ſo far as to impale ſome gentlemen, and roaſt them alive before a ſlow fire: A body of nine thouſand of them broke into Meaux, where the wife of the dauphin with above 300 ladies had taken ſhelter: The moſt brutal treatment and moſt atrocious cruelty were juſtly dreaded by this helpleſs company: But the Captal de Buche, though in the ſervice of Edward, yet moved by generoſity and by the gallantry of a true knight, flew to their reſcue, and beat off the peaſants with great ſlaughter. In other civil wars, the oppoſite factions, falling under the government of their ſeveral leaders, commonly preſerve ſtill the veſtige of ſome rule and order: But here the wild ſtate of nature ſeemed to be renewed: Every man was thrown looſe and independant of his fellows: And the populouſneſs of the country, derived from the preceding police of civil ſociety, ſerved only to encreaſe the horror and confuſion of the ſcene.

AMIDST theſe diſorders, the king of Navarre made his eſcape from priſon, and preſented a dangerous leader to

[n] Froiſſard, liv. i. chap. 182, 183, 184.

the

CHAP. XVI.

1358. the furious malcontents [o]. But the ſplendid talents of this prince qualified him only to do miſchief, and to encreaſe the public diſtractions: He wanted the ſteadineſs and prudence requiſite for making his intrigues ſubſervient to his ambition, and forming his numerous partizans into a regular faction. He revived his pretenſions, ſomewhat obſolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the Engliſh, who were concerned in intereſt to diſappoint his pretenſions, and who, being public and inveterate enemies to the ſtate, ſerved only, by the friendſhip which they ſeemingly bore him, to render his cauſe the more odious. And in all his operations, he acted more like a leader of banditti, than one who aſpired to be the head of a regular government, and who was engaged by his ſtation to endeavour the re-eſtabliſhment of order in the community.

THE eyes, therefore, of all the French, who wiſhed to reſtore peace to their miſerable and deſolated country, were turned towards the dauphin; and that young prince, though not remarkable for his military talents, poſſeſſed ſo much prudence and ſpirit, that he daily gained the aſcendant over all his enemies. Marcel, the ſeditious provoſt of Paris, was ſlain, while he was attempting to deliver the city to the king of Navarre and the Engliſh; and the capital immediately returned to its duty [p]. The moſt conſiderable bodies of the mutinous peaſants were diſperſed, and put to the ſword: Some bands of military robbers underwent the ſame fate: And though many grievous diſorders ſtill remained, France began gradually to aſſume the face of a regular civil government, and to form ſome plan for its defence and ſecurity.

DURING the confuſion in the dauphin's affairs, Edward ſeemed to have a favourable opportunity for puſhing

[o] Froiſſard, liv. i. chap. 181. [p] Ibid. chap. 187.

his

his conquests: But besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre; the state of the English finances and military power, during those ages, rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negociations with his prisoner; and John had the weakness to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces which had been possessed by Henry II. and his two sons, and to annex them for ever to England, without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonourable and pernicious to the kingdom [q]; and Edward, on the expiration of the truce, having now, by subsidies and frugality, collected some treasure, prepared himself for a new invasion of France. CHAP. XVI. 1358.

THE great authority and renown of the king and the prince of Wales, the splendid success of their former enterprizes, and the certain prospect of plunder from the defenceless provinces of France, soon brought together the whole military power of England; and the same motives invited to Edward's standard all the hardy adventurers of the different countries of Europe [r]. He passed over to Calais, where he assembled an army of near a hundred thousand men; a force which the dauphin could not pretend to withstand in the open field: That prince therefore prepared himself to elude a blow, which it was impossible for him to resist. He put all the considerable towns in a posture of defence; ordered them to be sup-

[q] Froissard, liv. i. chap. 201.

[r] Ibid. chap. 205.

CHAP. XVI.

plied with magazines and proviſions; diſtributed proper garriſons in all places; ſecured every thing valuable in the fortified cities; and choſe his own ſtation at Paris, with a view of allowing the enemy to vent their fury on the open country.

1358.

1359. 4th Nov.

THE king, aware of this plan of defence, was obliged to carry along with him ſix thouſand waggons, loaded with the proviſions neceſſary for the ſubſiſtance of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a ſtrong deſire of being crowned king of France at Rheims, the uſual place in which this ceremony is performed, he laid ſiege to that city, and carried on his attacks, though without ſucceſs, for the ſpace of ſeven weeks [s]. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbiſhop, John de Craon; till the advanced ſeaſon (for this expedition was entered upon in the beginning of winter) obliged the king to raiſe the ſiege. The province of Champagne, meanwhile, was deſolated by his incurſions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other ſmall places; but the duke of Burgundy, that he might preſerve his country from farther ravages, conſented to pay him the ſum of 100,000 nobles [t]. Edward then bent his march towards the Nivernois, which ſaved itſelf by a like compoſition: He laid waſte Brie and the Gatinois; and after a long march, very deſtructive to France, and ſomewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Mont-rouge, and Vaugirard. He tried to provoke the dauphin to ha-

Invaſion of France.

1360.

[s] Froiſſard, liv. i. chap. 208. Walſing. p. 174. [t] Rymer, vol. vi. p. 161. Walſing. p. 174.

zard a battle, by ſending him a defiance; but could not make that prudent prince change his plan of operations. Paris was ſafe from the danger of an aſſault by its numerous garriſon; from that of a blockade by its well ſupplied magazines: And as Edward himſelf could not ſubſiſt his army in a country, waſted by foreign and domeſtic enemies, and left alſo empty by the precaution of the dauphin, he was obliged to remove his quarters; and he ſpread his troops into the provinces of Maine, Beauſſe, and the Chartraine, which were abandoned to the fury of their devaſtations [u]. The only repoſe, which France experienced, was during the feſtival of Eaſter, when the king ſtopped the courſe of his ravages. For ſuperſtition can ſometimes reſtrain the rage of men, which neither juſtice nor humanity is able to controul. CHAP. XVI. 1360

WHILE the war was carried on in this ruinous manner, the negociations for peace were never interrupted: But as the king ſtill inſiſted on the full execution of the treaty, which he had made with his priſoner at London, and which was ſtrenuouſly rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaſter (for this title was introduced into England during the preſent reign), endeavoured to ſoften the rigour of theſe terms, and to finiſh the war on more equal and reaſonable conditions. He inſiſted with Edward, that, notwithſtanding his great and ſurpriſing ſucceſſes, the object of the war, if ſuch were to be eſteemed the acquiſition of the crown of France, was not become any nearer than at the commencement of it; or rather, was ſet at a greater diſtance, by thoſe very victories and advantages, which ſeemed to lead to it. That his claim of ſucceſſion had not from the firſt procured him one partizan in the kingdom; and the continuance of theſe deſtructive hoſtilities had united every Frenchman in the

[u] Walſing. p. 175.

CHAP. XVI.

1360.

most implacable animosity against him. That though intestine faction had creeped into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow-citizens, had ever adopted the pretensions of the king of England. That the king of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and in the opinion of his partizans possessed a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such a state of desolation that it would afford no spoils to its ravagers; if it could establish a more steady government, it might turn the chance of war in its favour, and by its superior force and advantages, be able to repel the present victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence as to prevent the English from acquiring one foot of land in the kingdom; and it were better for the king to accept by a peace what he had in vain attempted to acquire by hostilities, which, however hitherto successful, had been extremely expensive, and might prove very dangerous. And that Edward having acquired so much glory by his arms, the praise of moderation was the only honour, to which he could now aspire; an honour so much the greater, as it was durable, was united with that of prudence, and might be attended with the most real advantages [w].

[w] Froissard, liv. i. chap. 211.

THESE

CHAP. XVI.

THESE reasons induced Edward to accept of more moderate terms of peace; and it is probable, that, in order to palliate this change of resolution, he ascribed it to a vow made during a dreadful tempest, which attacked his army on their march, and which ancient historians represent as the cause of this sudden accommodation [x]. The conferences between the English and French commissioners were carried on during a few days at Bretigni in the Chartraine, and the peace was at last concluded on the following conditions [y]: It was stipulated that king John should be restored to his liberty, and should pay as his ransom three millions of crowns of gold, about 1,500,000 pounds of our present money [z]; which was to be discharged at different payments: That Edward should for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, possessed by his ancestors; and should receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigort, the Limousin, Quercy, Rovergue, l'Angoumois, and other districts in that quarter, together with Calais, Guisnes, Montreuil, and the county of Ponthieu, on the other side of France: That the full sovereignty of all these provinces, as well as that of Guienne, should be vested in the crown of England, and that France should renounce all title to feudal jurisdiction, homage, or appeal from them: That the king of Navarre should be restored to all his honours and possessions: That Edward should renounce his confederacy with the Flemings, John his connexions with the Scots: That the disputes concerning the succession of Britanny, between the families of Blois and Mountfort, should be decided by arbiters, appointed by the two kings; and if the competitors refused to submit to the award,

1360. Peace of Bretigni.

8th May.

x Froissard, liv. i. chap. 211. Froissard, liv. i. chap. 212.

y Rymer, vol. vi. p. 178.

z See note [K] at the end of the volume.

CHAP. XVI.

1360. the diſpute ſhould no longer be a ground of war between the kingdoms: And that forty hoſtages, ſuch as ſhould be agreed on, ſhould be ſent to England as a ſecurity for the execution of all theſe conditions [a].

8th July. In conſequence of this treaty, the king of France was brought over to Calais; whither Edward alſo ſoon after repaired: And there, both princes ſolemnly ratified the treaty. John was ſent to Boulogne; the king accompanied him a mile on his journey; and the two monarchs parted, with many profeſſions, probably cordial and ſincere, of mutual amity [b]. The good diſpoſition of John made him fully ſenſible of the generous treatment which he had received in England, and obliterated all memory of the aſcendant gained over him by his rival. There ſeldom has been a treaty of ſo great importance ſo faithfully executed by both parties. Edward had ſcarcely from the beginning entertained any hopes of acquiring the crown of France: By reſtoring John to his liberty, and making peace at a juncture ſo favourable to his arms, he had now plainly renounced all pretenſions of this nature: He had ſold at a very high price that chimerical claim: And had at preſent no other intereſt than to retain thoſe acquiſitions which he had made with ſuch ſingular prudence and good fortune. John, on the other hand, though the terms were ſevere, poſſeſſed ſuch fidelity and honour, that he was determined at all hazards to execute them, and to uſe every expedient for ſatisfying a mo-

[a] The hoſtages were the two ſons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were moſtly releaſed on the fulfilling of certain articles: Others of the hoſtages, and the duke of Berry among the reſt, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278. 285. 287.

[b] Froiſſard, liv. i. chap. 213.

narch,

narch, who had indeed been his greateſt political enemy, but had treated him perſonally with ſingular humanity and regard. But, notwithſtanding his endeavours, there occurred many difficulties in fulfilling his purpoſe; chiefly from the extreme reluctance, which many towns and vaſſals in the neighbourhood of Guienne, expreſſed againſt ſubmitting to the Engliſh dominion [c]; and John, in order to adjuſt theſe differences, took a reſolution of coming over himſelf to England. His council endeavoured to diſſuade him from this raſh deſign; and probably would have been pleaſed to ſee him employ more chicanes for eluding the execution of ſo diſadvantageous a treaty: But John replied to them, that, though good faith were baniſhed from the reſt of the earth, ſhe ought ſtill to retain her habitation in the breaſts of princes. Some hiſtorians would detract from the merit of this honourable conduct, by repreſenting John as enamoured of an Engliſh lady, to whom he was glad, on this pretence, to pay a viſit: But beſides, that this ſurmiſe is not founded on any good authority, it appears ſomewhat unlikely on account of the advanced age of that prince, who was now in his fifty-ſixth year. He was lodged in the Savoy; the palace where he had reſided during his captivity, and where he ſoon after ſickened and died. Nothing can be a ſtronger proof of the great dominion of fortune over men, than the calamities which purſued a monarch of ſuch eminent valour, goodneſs, and honour, and which he incurred merely by reaſon of ſome ſlight imprudences, which, in other ſituations, would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very conſiderable acceſſions, thoſe of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to diſmember

CHAP. XVI.

1360.

1363.

1364. 8th April.

c Froiſſard, liv. i. chap. 214.

CHAP. XVI. 1364. by bestowing it on Philip his fourth son, the object of his most tender affections[f]; a deed, which was afterwards the source of many calamities to the kingdom.

JOHN was succeeded in the throne by Charles, the Dauphin, a prince educated in the school of adversity, and well qualified, by his consummate prudence and experience, to repair all the losses, which the kingdom had sustained from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head of his armies; and he was the first king in Europe, that showed the advantage of policy, foresight, and judgment, above a rash and precipitate valour. The events of his reign, compared with those of the preceding, are a proof, how little reason kingdoms have to value themselves on their victories, or to be humbled by their defeats; which in reality ought to be ascribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

State of France.

BEFORE Charles could think of counterbalancing so great a power as England, it was necessary for him to remedy the many disorders, to which his own kingdom was exposed. He turned his arms against the king of Navarre, the great disturber of France during that age: He defeated this prince by the conduct of Bertrand du Guesclin, a gentleman of Britanny, one of the most accomplished characters of the age, whom he had the discernment to chuse as the instrument of all his victories[g]: And he obliged his enemy to accept of moderate terms of peace. Du Guesclin was less fortunate in the wars of Britanny, which still continued, notwithstanding the me-

[f] Rymer, vol. vi. p. 421, 429.

[g] Froissard, liv. 1. chap. 119.

diation

diation of France and England: He was defeated and taken priſoner at Auray by Chandos: Charles of Blois was there ſlain, and the young count of Mountfort ſoon after got entire poſſeſſion of that dutchy [h]. But the prudence of Charles broke the force of this blow: He ſubmitted to the deciſion of fortune: He acknowledged the title of Mountfort, though a zealous partizan of England; and received the proffered homage for his dominions. But the chief obſtacle which the French king met with in the ſettlement of the ſtate, proceeded from obſcure enemies, whom their crimes alone rendered eminent, and their number dangerous. CHAP. XVI. 1364.

On the concluſion of the treaty of Bretigni, the many military adventurers, who had followed the ſtandard of Edward, being diſperſed into the ſeveral provinces, and poſſeſſed of ſtrong holds, refuſed to lay down their arms, or relinquiſh a courſe of life, to which they were now accuſtomed, and by which alone they could gain a ſubſiſtance [i]. They aſſociated themſelves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some Engliſh and Gaſcon gentlemen of character, particularly Sir Matthew Gournay, Sir Hugh Calverly, the chevalier Verte, and others, were not aſhamed to take the command of theſe ruffians, whoſe numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. Theſe leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was ſlain [k]: And they proceeded to ſuch a height, that they wanted little but regular eſtabliſhments to become princes, and thereby ſanctify, by the maxims of

h Froiſſard, liv. 1. chap. 227, 228, &c. Walſing. p. 180.

i Froiſſard, liv. 1. chap. 214. k Ibid. chap. 214, 215.

CHAP. XVI.

the world, their infamous profeſſion. The greater ſpoil they committed on the country, the more eaſy they found it to recruit their number: All thoſe, who were reduced to miſery and deſpair, flocked to their ſtandard: The evil was every day encreaſing: And though the pope declared them excommunicated, theſe military plunderers, however deeply affected with the ſentence, to which they paid a much greater regard than to any principles of morality, could not be induced by it to betake themſelves to peaceable or lawful profeſſions.

1364.

1366. As Charles was not able by power to redreſs ſo enormous a grievance, he was led by neceſſity, and by the turn of his character, to correct it by policy, and to contrive ſome method of diſcharging into foreign countries this dangerous and inteſtine evil.

PETER, king of Caſtile, ſtigmatized by his contemporaries and by poſterity, with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the univerſal hatred of his ſubjects, he kept, from preſent terror alone, an anxious and precarious poſſeſſion of the throne. His nobles fell every day the victims of his ſeverity: He put to death ſeveral of his natural brothers from groundleſs jealouſy: Each murder, by multiplying his enemies, became the occaſion of freſh barbarities: And as he was not deſtitute of talents, his neighbours, no leſs than his own ſubjects, were alarmed at the progreſs of his violence and injuſtice. The ferocity of his temper, inſtead of being ſoftened by his ſtrong propenſity to love, was rather inflamed by that paſſion, and took thence new occaſion to exert itſelf. Inſtigated by Mary de Padilla, who had acquired the aſcendant over him, he threw into priſon Blanche de Bourbon, his wife, ſiſter to the queen of France; and ſoon after made way by poiſon for the eſpouſing of his miſtreſs.

HENRY,

HENRY, count of Tranſtamare, his natural brother, ſeeing the fate of every one who had become obnoxious to this tyrant, took arms againſt him; but being foiled in the attempt, he ſought for refuge in France, where he found the minds of men extremely inflamed againſt Peter, on account of his murder of the French princeſs. He aſked permiſſion of Charles to enliſt the *companies* in his ſervice, and to lead them into Caſtile; where, from the concurrence of his own friends and the enemies of his brother, he had the proſpect of certain and immediate ſucceſs. The French king, charmed with the project, employed du Gueſclin in negociating with the leaders of theſe banditti. The treaty was ſoon concluded. The high character of honour, which that general poſſeſſed, made every one truſt to his promiſes: Though the intended expedition was kept a ſecret, the companies implicitly inliſted under his ſtandard: And they required no other condition before their engagement, than an aſſurance, that they were not to be led againſt the prince of Wales in Guienne. But that prince was ſo little averſe to the enterprize, that he allowed ſome gentlemen of his retinue to enter into the ſervice under du Gueſclin. CHAP. XVI. 1366.

DU GUESCLIN, having completed his levies, led the army firſt to Avignon, where the pope then reſided, and demanded, ſword in hand, an abſolution for his ſoldiers, and the ſum of 200,000 livres. The firſt was readily promiſed him; ſome more difficulty was made with regard to the ſecond. "I believe, that my fellows," replied du Gueſclin, "may make a ſhift to do without "your abſolution; but the money is abſolutely neceſſa-"ry." The pope then extorted from the inhabitants in the city and neighbourhood the ſum of a hundred thouſand livres, and offered it to du Gueſclin. "It is not my "purpoſe," cried that generous warrior, "to oppreſs the "innocent people. The pope and his cardinals themſelves "can

CHAP. XVI.

1366. "can well spare me that sum from their own coffers. "This money, I insist, must be restored to the owners. "And should they be defrauded of it, I shall myself re- "turn from the other side of the Pyrenees, and oblige "you to make them restitution." The pope found the necessity of submitting, and paid him, from his treasury, the sum demanded [l]. The army, hallowed by the blessings, and enriched by the spoils of the church, proceeded on their expedition.

THESE experienced and hardy soldiers, conducted by so able a general, easily prevailed over the king of Castile, whose subjects, instead of supporting their oppressor, were ready to join the enemy against him [m]. Peter fled from his dominions, took shelter in Guienne, and craved the protection of the prince of Wales, whom his father had invested with the sovereignty of these conquered provinces, by the title of the principality of Aquitaine [n]. The prince seemed now to have entirely changed his sentiments with regard to the Spanish transactions: Whether that he was moved by the generosity of supporting a distressed prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful a confederate to France as the new king of Castile; or what is most probable, was impatient of rest and ease, and sought only an opportunity for exerting his military talents, by which he had already acquired so much renown. He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprize. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in the room of the good prince of that name, who had died without any male

1367. Expedition into Castile.

[l] Hist. du Guesclin.
[m] Froissard, liv. 1. chap. 230.
[n] Rymer, vol. vi. p. 384. Froissard, liv. 1. chap. 231.

issue,

ſſue, and whoſe daughter he had eſpouſed. Chandos alſo, who bore among the Engliſh the ſame character, which du Gueſclin had acquired among the French, commanded under him in this expedition. CHAP. 1367.

THE firſt blow, which the prince of Wales gave to Henry of Tranſtamare, was the recalling of all the *companies* from his ſervice; and ſo much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inliſted under his banners. Henry however, beloved by his new ſubjects, and ſupported by the king of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than thoſe which were commanded by Edward. Du Gueſclin, and all his experienced officers, adviſed him to delay any deciſive action, to cut off the prince of Wales's proviſions, and to avoid every engagement with a general, whoſe enterprizes had hitherto been always conducted with prudence, and crowned with ſucceſs. Henry truſted too much to his numbers; and ventured to encounter the Engliſh prince at Najara[o]. Hiſtorians of that age are commonly very copious in deſcribing the ſhock of armies in battle, the valour of the combatants, the ſlaughter and various ſucceſſes of the day: But though ſmall rencounters in thoſe times were often well diſputed, military diſcipline was always too imperfect to preſerve order in great armies; and ſuch actions deſerve more the name of routs than of battles. Henry was chaced off the field, with the loſs of above 20,000 men: There periſhed only four knights and forty private men on the ſide of the Engliſh. 3d April.

PETER, who ſo well merited the infamous epithet which he bore, purpoſed to murder all his priſoners in cool blood; but was reſtrained from this barbarity by the

[o] Froiſſard, liv. 1. chap. 241.

remon-

CHAP. XVI.

remonſtrances of the prince of Wales. All Caſtile now ſubmitted to the victor: Peter was reſtored to the throne:

1367. And Edward finiſhed this perilous enterprize with his uſual glory. But he had ſoon reaſon to repent his connexions with a man like Peter, abandoned to all ſenſe of virtue and honour. The ungrateful tyrant refuſed the ſtipulated pay to the Engliſh forces; and Edward, finding his ſoldiers daily periſh by ſickneſs, and even his own health impaired by the climate, was obliged, without receiving any ſatisfaction on this head, to return into Guienne [p].

THE barbarities, exerciſed by Peter over his helpleſs ſubjects, whom he now regarded as vanquiſhed rebels, revived all the animoſity of the Caſtilians againſt him; and on the return of Henry of Tranſtamare, together with du Gueſclin, and ſome forces levied anew in France, the tyrant was again dethroned, and was taken priſoner. His brother, in reſentment of his cruelties, murdered him with his own hand; and was placed on the throne of Caſtile, which he tranſmitted to his poſterity. The duke of Lancaſter, who eſpouſed in ſecond marriage the eldeſt daughter of Peter, inherited only the empty title of that ſovereignty, and, by claiming the ſucceſſion, encreaſed the animoſity of the new king of Caſtile againſt England.

1368. Rupture with France.

BUT the prejudice, which the affairs of prince Edward received from this ſplendid, though imprudent expedition, ended not with it. He had involved himſelf in ſo much debt by his preparations and the pay of his troops, that he found it neceſſary, on his return, to impoſe on his principality a new tax, to which ſome of the nobility conſented with extreme reluctance, and to which

[p] Froiſſard, liv. 1. chap. 242, 243. Walſingham, p. 182.

others

others absolutely refused to submit [q]. This incident revived the animosity which the inhabitants bore to the English, and which all the amiable qualities of the prince of Wales were not able to mitigate or assuage. They complained, that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honour and profit was conferred on these foreigners, and that the extreme reluctance, which most of them had expressed, to receive the new yoke, was likely to be long remembered against them. They cast, therefore, their eyes towards their ancient sovereign, whose prudence, they found, had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the Lord d'Albret, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, against these oppressions of the English government [r].

CHAP. XVI. 1368.

In the treaty of Bretigni it had been stipulated, that the two kings should make renunciations; Edward of his claim to the crown of France and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne and the other provinces ceded to the English. But when that treaty was confirmed and renewed at Calais, it was found necessary, as Edward was not yet in possession of all the territories, that the mutual renunciations should for some time be deferred;

[q] This tax was a livre upon a hearth; and it was imagined, that the imposition would have yielded 1,200,000 livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be 50,000 pounds. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

[r] Froissard, liv. 1. chap. 244.

and

CHAP. XVI.

and it was agreed, that the parties, mean-while, ſhould make no uſe of their reſpective claims againſt each other [s].

1368. Though the failure in exchanging theſe renunciations had ſtill proceeded from France [t], Edward appears to have taken no umbrage at it; both becauſe this clauſe ſeemed to give him entire ſecurity, and becauſe ſome reaſonable apology had probably been made to him for each delay. It was, however, on this pretence, though directly contrary to treaty, that Charles reſolved to ground his claim, of ſtill conſidering himſelf as ſuperior lord of thoſe provinces, and of receiving the appeals of his ſub-vaſſals [u].

1369. But as views of policy, more than thoſe of juſtice, enter into the deliberations of princes; and as the mortal injuries received from the Engliſh, the pride of their triumphs, the ſevere terms impoſed by the treaty of peace, ſeemed to render every prudent means of revenge honourable againſt them; Charles was determined to take this meaſure, leſs by the reaſonings of his civilians and lawyers, than by the preſent ſituation of the two monarchies. He conſidered the declining years of Edward, the languiſhing ſtate of the prince of Wales's health, the affection which the inhabitants of all theſe provinces bore to their ancient maſter, their diſtance from England, their vicinity to France, the extreme animoſity expreſſed by his own ſubjects againſt theſe invaders, and their ardent thirſt of vengeance; and having ſilently made all the neceſſary preparations, he ſent to the prince of Wales a ſummons to appear in his court at Paris, and there to juſtify his conduct towards his vaſſals. The prince replied, that he would come to Paris; but it ſhould be at the head of ſixty thouſand men [w]. The unwarlike cha-

[s] Rymer, vol. vi. p. 219. 230. 234 237. 243. 35 Edw. III. m. 3. from Tyrrel, vol. iii. p. 643. chap. 245.

[t] Rot. Franc.

[u] Froiſſard, liv. i.

[w] Ibid. chap. 247, 248.

racter

racter of Charles kept prince Edward, even yet, from thinking, that that monarch was in earneſt, in this bold and hazardous attempt. CHAP. XVI. 1370.

It ſoon appeared what a poor return the king had received by his diſtant conqueſts for all the blood and treaſure expended in the quarrel, and how impoſſible it was to retain acquiſitions, in an age when no regular force could be maintained ſufficient to defend them againſt the revolt of the inhabitants, eſpecially if that danger was joined with the invaſion of a foreign enemy. Charles fell firſt upon Ponthieu, which gave the Engliſh an inlet into the heart of France: The citizens of Abbeville opened their gates to him [x]: Thoſe of St. Valori, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to ſubmiſſion. The dukes of Berri and Anjou, brothers to Charles, being aſſiſted by du Gueſclin, who was recalled from Spain, invaded the ſouthern provinces; and by means of their good conduct, the favourable diſpoſitions of the people, and the ardour of the French nobility, they made every day conſiderable progreſs againſt the Engliſh. The ſtate of the prince of Wales's health did not permit him to mount on horſeback, or exert his uſual activity: Chandos, the conſtable of Guienne, was ſlain in one action [y]: The Captal de Buche, who ſucceeded him in that office, was taken priſoner in another [z]: And when young Edward himſelf was obliged by his encreaſing infirmities to throw up the command, and return to his native country, the affairs of the Engliſh in the ſouth of France ſeemed to be menaced with total ruin. Ill ſucceſs of the Engliſh.

The king, incenſed at theſe injuries, threatened to put to death all the French hoſtages, who remained in his hands; but on reflection abſtained from that ungenerous revenge. After reſuming, by advice of parliament, the

[x] Walſingham, p. 183. [y] Froiſſard, liv. 1. chap. 277. Walſingham, p. 185. [z] Froiſſard, liv. 1. chap. 310.

CHAP. XVI.

vain title of king of France[a], he endeavoured to send ſuccours into Gaſcony; but all his attempts, both by ſea and land, proved unſucceſsful. The earl of Pembroke was intercepted at ſea, and taken priſoner with his whole army near Rochelle by a fleet, which the king of Caſtile had fitted out for that purpoſe[b]: Edward himſelf embarked for Bourdeaux with another army; but was ſo long detained by contrary winds, that he was obliged to lay aſide the enterprize[c]. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded in his march to the provinces of Maine and Anjou, which he laid waſte; but part of his army being there defeated by the conduct of du Gueſclin, who was now created conſtable of France, and who ſeems to have been the firſt conſummate general that had yet appeared in Europe, the reſt were ſcattered and diſperſed, and the ſmall remains of the Engliſh forces, inſtead of reaching Guienne, took ſhelter in Britanny, whoſe ſovereign had embraced the alliance of England[d]. The duke of Lancaſter, ſome time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was ſo much haraſſed by the flying parties which attended him, that he brought not the half of his army to the place of their deſtination. Edward, from the neceſſity of his affairs, was at laſt obliged to conclude a truce with the enemy[e]; after almoſt all his ancient poſſeſſions in France had been raviſhed from him, except Bourdeaux and Bayonne, and all his conqueſts, except Calais.

1370.

[a] Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108. [b] Froiſſard, liv. 1. chap. 302, 303, 304. Walſingham, p. 186. [c] Froiſſard, liv. 1. chap. 311. Walſingham, p. 187. [d] Froiſſard, liv. 1. chap. 291. Walſingham, p. 185. [e] Froiſſard, liv. 1. chap. 311. Walſingham, p. 187.

THE

CHAP. XVI.

1370.

THE decline of the king's life was expoſed to many mortifications, and correſponded not to the ſplendid and noiſy ſcenes, which had filled the beginning and the middle of it. Beſides ſeeing the loſs of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the ſharpneſs of ſome parliamentary remonſtrances, the great inconſtancy of the people, and the influence of preſent fortune over all their judgments [f]. This prince, who, during the vigour of his age, had been chiefly occupied in the purſuits of war and ambition, began, at an unſeaſonable period, to indulge himſelf in pleaſure; and being now a widower, he attached himſelf to a lady of ſenſe and ſpirit, one Alice Pierce, who acquired a great aſcendant over him, and by her influence gave ſuch general diſguſt, that, in order to ſatisfy the parliament, he was obliged to remove her from court [g]. The indolence alſo, naturally attending old age and infirmities, had made him, in a great meaſure, reſign the adminiſtration into the hands of his ſon, the duke of Lancaſter, who, as he was far from being popular, weakened extremely the affection, which the Engliſh bore to the perſon and government of the king. Men carried their jealouſies very far againſt the duke; and as they ſaw with much regret, the death of the prince of Wales every day approaching, they apprehended, leſt the ſucceſſion of his ſon, Richard, now a minor, ſhould be defeated by the intrigues of Lancaſter, and by the weak indulgence of the old king. But Edward, in order to ſatisfy both the people and the prince on this head, declared in parliament his grandſon heir and ſucceſſor to the crown; and thereby cut off all the hopes of the duke of Lancaſter, if he ever had the temerity to entertain any.

[f] Walſingham, p. 189. Ypod. Neuſt. p. 530.

[g] Walſingham, p. 189.

CHAP. XVI.

THE prince of Wales, after a lingering illneſs, died in the forty-ſixth year of his age; and left a character, illuſtrious for every eminent virtue, and from his earlieſt youth till the hour he expired, unſtained by any blemiſh. His valour and military talents formed the ſmalleſt part of his merit: His generoſity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a luſtre, not only on that rude age, in which he lived, and which nowiſe infected him with its vices, but on the moſt ſhining period of ancient or modern hiſtory. The king ſurvived about a year this melancholy incident: England was deprived at once of both theſe princes, its chief ornament and ſupport: He expired in the ſixty-fifth year of his age and the fifty-firſt of his reign; and the people were then ſenſible, though too late, of the irreparable loſs, which they had ſuſtained.

1376. 8th June. Death of the prince of Wales.

1377. 21ſt June. Death

THE Engliſh are apt to conſider with peculiar fondneſs the hiſtory of Edward III. and to eſteem his reign, as it was one of the longeſt, the moſt glorious alſo, that occurs in the annals of their nation. The aſcendant which they then began to acquire over France, their rival and ſuppoſed national enemy, makes them caſt their eyes on this period with great complacency, and ſanctifies every meaſure, which Edward embraced for that end. But the domeſtic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigour of his adminiſtration, a longer interval of domeſtic peace and tranquillity than ſhe had been bleſt with in any former period, or than ſhe experienced for many ages after. He gained the affections of the great, yet curbed their licentiouſneſs: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generoſity, made them ſubmit with pleaſure to his dominion; his valour and conduct made

and character of the king.

made them ſucceſsful in moſt of their enterprizes; and their unquiet ſpirits, directed againſt a public enemy, had no leiſure to breed thoſe diſturbances, to which they were naturally ſo much inclined, and which the frame of the government ſeemed ſo much to authorize. This was the chief benefit, which reſulted from Edward's victories and conqueſts. His foreign wars were, in other reſpects, neither founded in juſtice, nor directed to any ſalutary purpoſe. His attempt againſt the king of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of ſuperiority over that kingdom, were both unreaſonable and ungenerous; and he allowed himſelf to be too eaſily ſeduced, by the glaring proſpect of French conqueſts, from the acquiſition of a point, which was practicable, and which, if attained, might really have been of laſting utility to his country and his ſucceſſors. The ſucceſs, which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeſeen accidents, was found, even during his life-time, to have procured him no ſolid advantages. But the glory of a conqueror is ſo dazzling to the vulgar, the animoſity of nations is ſo violent, that the fruitleſs deſolation of ſo fine a part of Europe as France, is totally diſregarded by us, and is never conſidered as a blemiſh in the character or conduct of this prince. And indeed, from the unfortunate ſtate of human nature, it will commonly happen, that a ſovereign of genius, ſuch as Edward, who uſually finds every thing eaſy in his domeſtic government, will turn himſelf towards military enterprizes, where alone he meets with oppoſition, and where he has full exerciſe for his induſtry and capacity. CHAP. XVI. 1377.

EDWARD had a numerous poſterity by his queen, Philippa of Hainault. His eldeſt ſon was the heroic Edward, uſually denominated the Black Prince, from the colour of his armour. This prince eſpouſed his couſin Joan, com-

CHAP. XVI.

monly called the *Fair Maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was first married to Sir Thomas Holland, by whom she had children. By the prince of Wales, she had a son, Richard, who alone survived his father.

1377.

THE second son of king Edward (for we pass over such as died in their childhood) was Lionel duke of Clarence, who was first married to Elizabeth de Burgh, daughter and heir of the earl of Ulster, by whom he left only one daughter, married to Edmund Mortimer, earl of Marche. Lionel espoused in second marriage, Violante, the daughter of the duke of Milan [h], and died in Italy soon after the consummation of his nuptials, without leaving any posterity by that princess. Of all the family, he resembled most his father and elder brother in his noble qualities.

EDWARD'S third son was John of Gaunt, so called from the place of his birth: He was created duke of Lancaster; and from him sprang that branch which afterwards possessed the crown. The fourth son of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth son was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Gloucester from his nephew. In order to prevent confusion, we shall always distinguish these two princes by the titles of York and Gloucester, even before they were advanced to them.

THERE were also several princesses born to Edward by Philippa; to wit, Isabella, Joan, Mary, and Margaret, who espoused, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonso king of Castile, John of Mountfort duke of Britanny, and John Hastings earl of Pembroke. The princess Joan died at Bourdeaux before the consummation of her marriage.

Miscellaneous transactions of this reign.

IT is remarked by an elegant historian [i], that Conquerors, though usually the bane of human kind, proved

[h] Rymer, vol. vi. p. 564. [i] Dr. Robertson's Hist. of Scotland, B. 1.

often in those feudal times, the most indulgent of sovereigns: They stood most in need of supplies from their people; and not being able to compel them by force to submit to the necessary impositions, they were obliged to make them some compensation, by equitable laws and popular concessions. This remark is, in some measure, though imperfectly, justified by the conduct of Edward III. He took no steps of moment without consulting his parliament, and obtaining their approbation, which he afterwards pleaded as a reason for their supporting his measures [i]. The parliament, therefore, rose into greater consideration during his reign, and acquired more regular authority than in any former time; and even the house of commons, which, during turbulent and factious periods, was naturally depressed by the greater power of the crown and barons, began to appear of some weight in the constitution. In the later years of Edward, the king's ministers were impeached in parliament, particularly lord Latimer, who fell a sacrifice to the authority of the commons [k]; and they even obliged the king to banish his mistress by their remonstrances. Some attention was also paid to the election of their members; and lawyers, in particular, who were, at that time, men of a character somewhat inferior, were totally excluded the house during several parliaments [l].

CHAP. XVI. 1377.

One of the most popular laws, enacted by any prince, was the statute, which passed in the twenty-fifth of this reign [m], and which limited the cases of high treason, before vague and uncertain, to three principal heads, conspiring the death of the king, levying war against him, and adhering to his enemies; and the judges were prohibited, if any other cases should occur, from inflicting the penalty of treason, without an application to parliament. The bounds of treason were indeed so much

[i] Cotton's Abridg. p. 108. 120.
[k] Ibid. p. 122.
[l] Cotton's Abridg. p. 18.
[m] Chap. 2.

CHAP. XVI.

1377. limited by this ſtatute, which ſtill remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conſpiracy for levying war againſt the king to be equivalent to a conſpiracy againſt his life; and this interpretation, ſeemingly forced, has, from the neceſſity of the caſe, been tacitly acquieſced in. It was alſo ordained, that a parliament ſhould be held once a year or oftener, if need be: A law which, like many others, was never obſerved, and loſt its authority by diſuſe [n].

EDWARD granted above twenty parliamentary confirmations of the Great Charter; and theſe conceſſions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties. But the contrary preſumption is more natural. If the maxims of Edward's reign had not been in general ſomewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for theſe frequent confirmations, which could add no force to a deed regularly obſerved, and which could ſerve to no other purpoſe, than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular government during thoſe ages, that a ſtatute, which had been enacted ſome years, inſtead of acquiring, was imagined to loſe force, by time, and needed to be often renewed by recent ſtatutes of the ſame ſenſe and tenor. Hence likewiſe that general clauſe, ſo frequent in old acts of parliament, that the ſtatutes, enacted by the king's progenitors, ſhould be obſerved [o]; a precaution, which, if we do not conſider the circumſtances of the times, might appear abſurd and ridiculous. The frequent confirmations in general terms of the privileges of the church proceeded from the ſame cauſe.

[n] 4 Edw. III. chap. 14. [o] 36 Edw. III. cap. 1. 37 Edw. III. cap. 1, &c.

IT

1377.

IT is a clauſe in one of Edward's ſtatutes, *that no man, of what eſtate or condition ſoever, ſhall be put out of land or tenement, nor taken nor impriſoned, nor diſherited, nor put to death, without being brought in anſwer by due proceſs of the law* [p]. This privilege was ſufficiently ſecured by a clauſe of the Great Charter, which had received a general confirmation in the firſt chapter of the ſame ſtatute. Why then is the clauſe ſo anxiouſly, and, as we may think, ſo ſuperfluouſly repeated? Plainly, becauſe there had been ſome late infringements of it, which gave umbrage to the commons [q].

BUT there is no article, in which the laws are more frequently repeated during this reign, almoſt in the ſame terms, than that of purveyance, which the parliament always calls an *outrageous* and *intolerable* grievance, and the ſource of *infinite* damage to the people [r]. The parliament tried to aboliſh this prerogative altogether, by prohibiting any one from taking goods without the conſent of the owners [s], and by changing the *heinous name* of *purveyors*, as they term it, into that of *buyers* [t]: But the arbitrary conduct of Edward ſtill brought back the grievance upon them; though contrary both to the Great Charter, and to many ſtatutes. This diſorder was in a great meaſure derived from the ſtate of the public finances and of the kingdom; and could therefore the leſs admit of remedy. The prince frequently wanted ready money; yet his family muſt be ſubſiſted: He was therefore obliged to employ force and violence for that purpoſe, and to give tallies, at what rate he pleaſed, to the owners of the goods which he laid hold of. The kingdom alſo abounded ſo little in commodities, and the interior communication was ſo imperfect, that, had the owners been ſtrictly protected

p 28 Edw. III. cap. 3. q They aſſert, in the 15th of this reign, that there had been ſuch inſtances. Cotton's Abridg. p. 31. They repeat the ſame in the 21ſt year. See p. 59. r 36 Edw. III. &c. s 14 Edw. III. cap. 19. t 36 Edw. III. cap. 2.

by

CHAP. XVI.

1377.

by law, they could easily have exacted any price from the king; especially in his frequent progresses, when he came to distant and poor places, where the court did not usually reside, and where a regular plan for supplying it could not easily be established. Not only the king, but several great lords, insisted upon this right of purveyance within certain districts [u].

THE magnificent castle of Windsor was built by Edward III. and his method of conducting the work may serve as a specimen of the condition of the people in that age. Instead of engaging workmen by contracts and wages, he assessed every county in England to send him a certain number of masons, tilers, and carpenters, as if he had been levying an army [w].

They mistake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave some consolation, and promised in time some relief to the people, they were always complained of by the commons: Such as the dispensing power [x]; the extension of the forests [y]; erecting monopolies [z]; exacting loans [a]; stopping justice by particular warrants [b]; the renewal of the commission of *trailbaton* [c]; pressing men and ships into the public service [d]; levying arbitrary and exorbitant fines [e]; extending the authority of the privy council or star-chamber to the decision of private causes [f]; enlarging the power of the mareschal's and other arbitrary courts [g]; imprisoning members for freedom of speech in parliament [h]; obliging people without any rule to send recruits of men at arms, archers, and hoblers to the army [i].

[u] 7 Rich. II. cap. 8. [w] Ashmole's hist. of the garter, p. 129. [x] Cotton's Abridg. p. 148. [y] Cotton, p. 71. [z] Cotton's Abridg. p. 56. 61. 122. [a] Rymer, vol. v. p. 491. 574. Cotton's Abridg. p. 56. [b] Cotton, p. 114. [c] Ibid. p. 67. [d] Cotton's Abridg. p. 47. 79. 113. [e] Ibid. p. 32. [f] Ibid. p. 74. [g] Ibid. [h] Walsing. p. 189, 190. [i] Tyrrel's Hist. vol. viii. p. 554. from the records.

CHAP. XVI.

1377.

But there was no act of arbitrary power more frequently repeated in this reign, than that of impoſing taxes without conſent of parliament. Though that aſſembly granted the king greater ſupplies than had ever been obtained by any of his predeceſſors, his great undertakings and the neceſſity of his affairs obliged him to levy ſtill more; and after his ſplendid ſucceſs againſt France had added weight to his authority, theſe arbitrary impoſitions became almoſt annual and perpetual. Cotton's Abridgment of the records affords numerous inſtances of this kind, in the firſt [i] year of his reign, in the thirteenth year [k], in the fourteenth [l], in the twentieth [m], in the twenty-firſt [n], in the twenty-ſecond [o], in the twenty-fifth [p], in the thirty-eighth [q], in the fiftieth [r], and in the fifty-firſt [s].

The king openly avowed and maintained this power of levying taxes at pleaſure. At one time, he replied to the remonſtrance made by the commons againſt it, that the impoſitions had been exacted from great neceſſity, and had been aſſented to by the prelates, earls, barons, and *ſome* of the commons [t]; at another, that he would adviſe with his council [u]. When the parliament deſired, that a law might be enacted for the puniſhment of ſuch as levied theſe arbitrary impoſitions, he refuſed compliance [w]. In the ſubſequent year, they deſired that the king might renounce this pretended prerogative; but his anſwer was, that he would levy no taxes without neceſſity, for the defence of the realm, and where he reaſonably might uſe that authority [x]. This incident paſſed a few days before his death; and theſe were, in a manner, his laſt words to his people. It would ſeem, that the famous charter or ſtatute of Edward I. *de tallagio non*

i Rymer, vol. iv. p. 363. k P. 17, 18. l Rymer, vol. iv. p. 39. m P. 47. n P. 52, 53. 57, 58. o P. 69. p P. 76. q P. 101. r P. 138. s P. 152.

t Cotton, p. 53. He repeats the ſame anſwer in p. 60. *Some of the commons* were ſuch as he ſhould be pleaſed to conſult with.

u Cotton, p. 57. w Ibid. p. 138. x Ibid. p. 132.

concedendo,

CHAP. XVI.

concedendo, though never repealed, was supposed to have already lost by age all its authority.

1377. THESE facts can only show the *practice* of the times: For as to the *right*, the continual remonstrances of the commons may seem to prove that it rather lay on their side: At least, these remonstrances served to prevent the arbitrary practices of the court from becoming an established part of the constitution. In so much a better condition were the privileges of the people even during the arbitrary reign of Edward III. than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

IN this reign we find, according to the sentiments of an ingenious and learned author, the first strongly marked and probably contested distinction between a proclamation by the king and his privy-council, and a law which had received the assent of the lords and commons [y].

IT is easy to imagine, that a prince of so much sense and spirit as Edward, would be no slave to the court of Rome. Though the old tribute was paid during some years of his minority [z], he afterwards withheld it; and when the pope in 1367 threatened to cite him to the court of Rome, for default of payment, he laid the matter before his parliament. That assembly unanimously declared, that king John could not, without a national consent, subject his kingdom to a foreign power: And that they were therefore determined to support their sovereign against this unjust pretension [a].

DURING this reign, the statute of provisors was enacted, rendering it penal to procure any presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the pope [b]. By a subsequent statute,

[y] Observations on the statutes, p. 193. [z] Rymer, vol. iv. p. 434.
[a] Cotton's Abridg. p. 110. [b] 25 Edw. III. 27 Edw. III.

every

every person was out-lawed who carried any cause by appeal to the court of Rome [c]. CHAP. XVI.

THE laity at this time seem to have been extremely prejudiced against the papal power, and even somewhat against their own clergy, because of their connexions with the Roman pontiff. The parliament pretended, that the usurpations of the pope were the cause of all the plagues, injuries, famine, and poverty of the realm; were more destructive to it than all the wars; and were the reason why it contained not a third of the inhabitants and commodies, which it formerly possessed: That the taxes, levied by him, exceeded five times those which were paid to the king: That every thing was venal in that sinful city of Rome; and that even the patrons in England had thence learned to practise simony without shame or remorse [d]. At another time, they petition the king to employ no churchman in any office of state [e]; and they even speak in plain terms, of expelling by force the papal authority, and thereby providing a remedy against oppressions, which they neither could nor would any longer endure [f]. Men who talked in this strain, were not far from the reformation: But Edward did not think proper to second all this zeal. Though he passed the statute of provisors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head [g]. He was content with having reduced such of the Romish ecclesiastics, as possessed revenues in England, to depend entirely upon him by means of that statute. 1377.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed: Yet were there several vices in the constitution, the bad consequences of which all the power and vigi-

[c] 27 Edw. III. 38 Edw. III.
[d] Cotton, p. 74. 128, 129.
[e] Ibid. p. 112.
[f] Cotton, p. 41.
[g] Ibid. p. 119. 128, 129, 130. 148.

lance

CHAP. XVI.

lance of the king could not prevent. The barons, by their confederacies with thoſe of their own order, and by

1377. ſupporting and defending their retainers in every iniquity [h], were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed againſt thoſe criminals. The nobility were brought to give their promiſe in parliament, that they would not avow, retain, or ſupport any felon or breaker of the law [i]; yet this engagement, which we may wonder to ſee exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, rapes, and other diſorders, which, they ſay, were become numberleſs in every part of the kingdom, and which they always aſcribe to the protection that the criminals received from the great [k]. The king of Cyprus, who paid a viſit to England in this reign, was robbed and ſtripped on the highway with his whole retinue [l]. Edward himſelf contributed to this diſſolution of law, by his facility in granting pardons to felons from the ſolicitation of the courtiers. Laws were made to retrench this prerogative [m], and remonſtrances of the commons were preſented againſt the abuſe of it [n]: But to no purpoſe. The gratifying of a powerful nobleman continued ſtill to be of more importance than the protection of the people. The king alſo granted many franchiſes, which interrupted the courſe of juſtice and the execution of the laws [o].

COMMERCE and induſtry were certainly at a very low ebb during this period. The bad police of the country alone affords a ſufficient reaſon. The only exports were wool, ſkins, hydes, leather, butter, tin, lead, and ſuch unmanufactured goods, of which wool was by far the moſt conſiderable. Knyghton has aſſerted, that 100,000

h 11 Edw. III. cap. 14. 4 Edw. III. cap. 2. 15 Edw. III. cap. 4.
i Cotton, p. 10.
k Ibid. p. 51. 62. 64. 70. 160.
l Walſing. p. 170.
m 10 Edw. III. cap. 2. 27 Edw. III. cap. 2.
n Cotton, p. 75.
o Ibid. p. 54.

ſacks

sacks of wool were annually exported, and sold at twenty pounds a sack, money of that age. But he is widely mistaken both in the quantity exported and in the value. In 1377. 1349, the parliament remonstrate, that the king, by an illegal imposition of forty shillings on each sack exported, had levied 60,000 pounds a year [p]: Which reduces the annual exports to 30,000 sacks. A sack contained twenty-six stone, and each stone fourteen pounds [q]; and at a medium was not valued at above five pounds a sack [r], that is, fourteen or fifteen pounds of our present money. Knyghton's computation raises it to sixty pounds, which is near four times the present price of wool in England. According to this reduced computation, the export of wool brought into the kingdom about 450,000 pounds of our present money, instead of six millions, which is an extravagant sum. Even the former sum is so high, as to afford a suspicion of some mistake in the computation of the parliament with regard to the number of sacks exported. Such mistakes were very usual in those ages.

EDWARD endeavoured to introduce and promote the woollen manufacture by giving protection and encouragement to foreign weavers [s], and by enacting a law, which prohibited every one from wearing any cloth but of English fabric [t]. The parliament prohibited the exportation of woollen goods, which was not so well judged, especially while the exportation of unwrought wool was so much allowed and encouraged. A like injudicious law was made against the exportation of manufactured iron [u].

IT appears from a record in the Exchequer, that in 1354 the exports of England amounted to 294,184 pounds seventeen shillings and two-pence: The imports to 38,970 pounds three shillings and six-pence money of that time. This is a great balance, considering that it arose wholly

p Ibid. p. 48. 69. q 34 Edw. III. cap. 5. r Cotton, p. 29.
s 11 Edw. III. cap. 5. Rymer, vol. iv. p. 723. Murimuth, p. 88.
t 11 Edw. III. cap. 2. u 28 Edw. III. cap. 5.

from

CHAP. XVI.

1377. from the exportation of raw wool and other rough materials. The import was chiefly linen and fine cloth, and some wine. England seems to have been extremely drained at this time by Edward's foreign expeditions and foreign subsidies, which probably was the reason, why the exports so much exceed the imports.

THE first toll we read of in England, for mending the highways, was imposed in this reign: It was that for repairing the road between St. Giles's and Temple-Bar [w].

IN the first of Richard II. the parliament complains extremely of the decay of shipping during the preceding reign, and assert, that one sea-port formerly contained more vessels than were then to be found in the whole kingdom. This calamity, they ascribe to the arbitrary seizure of ships by Edward, for the service of his frequent expeditions [x]. The parliament in the fifth of Richard renew the same complaint [y], and we likewise find it made in the forty-sixth of Edward III. So false is the common opinion, that this reign was favourable to commerce.

THERE is an order of this king, directed to the mayor and sheriffs of London, to take up all ships of forty tun and upwards to be converted into ships of war [z].

THE parliament attempted the impracticable scheme of reducing the price of labour after the pestilence, and also that of poultry [a]. A reaper, in the first week of August, was not allowed above two pence a day, or near six pence of our present money; in the second week a third more. A master carpenter was limited through the whole year to three pence a day, a common carpenter to two pence, money of that age [b]. It is remarkable, that, in the same reign, the pay of a common soldier, an archer, was six-pence a day; which, by the change, both in denomination and value, would be equivalent to near

[w] Rymer, vol. v. p. 520.
[x] Cotton, p. 155. 164.
[y] Cap. 3.
[z] Rymer, vol. iv. p. 664.
[a] 37 Edw. III. cap. 3.
[b] 25 Edw. III. cap. 1. 3.

five

five ſhillings of our preſent money [c]. Soldiers were then inliſted only for a very ſhort time: They lived idle all the reſt of the year, and commonly all the reſt of their lives: One ſucceſsful campaign, by pay and plunder, and the ranſom of priſoners, was ſuppoſed to be a ſmall fortune to a man; which was a great allurement to enter into the ſervice [d]. CHAP. XVI. 1377.

THE ſtaple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England [e]. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative above law, paid little regard to theſe ſtatutes; and when the parliament remonſtrated with him on account of thoſe acts of power, he plainly told them, that he would proceed in that matter as he thought proper [f]. It is not eaſy to aſſign the reaſon of this great anxiety for fixing a ſtaple; unleſs perhaps it invited foreigners to a market, when they knew beforehand, that they ſhould there meet with great choice of any particular ſpecies of commodity. This policy of inviting foreigners to Calais was carried ſo far, that all Engliſh merchants were prohibited by law from exporting any Engliſh goods from the ſtaple; which was in a manner the total abandoning of all foreign navigation, except that to Calais [g]. A contrivance ſeemingly extraordinary.

c Dugdale's Baronage, vol. i. p. 784. Brady's hiſt. vol. ii. App. No. 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned by hiſtorians in thoſe times, conſiſted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais conſiſted of 31,094 men; yet its pay for ſixteen months was only 127,201 pounds. Brady, ibid.

d Commodities ſeem to have riſen ſince the Conqueſt. Inſtead of being ten times cheaper than at preſent, they were in the age of Edward III. only three or four times. This change ſeems to have taken place in a great meaſure ſince Edward I. The allowance granted by Edward III. to the earl of Murray, then a priſoner in Nottingham caſtle, is one pound a week; whereas the biſhop of St. Andrews, the primate of Scotland, had only ſix-pence a day allowed him by Edward I.

e 27 Edw. III. f Cotton, p. 117. g 27 Edw. III. cap. 7.

CHAP. XVI.

1377.

It was not till the middle of this century that the Engliſh began to extend their navigation even to the Baltic [h]; nor till the middle of the ſubſequent, that they ſailed to the Mediterranean [i].

Luxury was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to reſtrain it, particularly on the head of apparel, where ſurely it is the moſt obviouſly innocent and inoffenſive. No man under a hundred a year was allowed to wear gold, ſilver, or ſilk in his clothes: Servants alſo were prohibited from eating fleſh meat, or fiſh, above once a day [k]. By another law it was ordained, that no one ſhould be allowed, either for dinner or ſupper, above three diſhes in each courſe, and not above two courſes: And it is likewiſe expreſsly declared, that *ſouſed* meat is to count as one of theſe diſhes [l]. It was eaſy to foreſee that ſuch ridiculous laws muſt prove ineffectual, and could never be executed.

The uſe of the French language, in pleadings and public deeds, was aboliſhed [m]. It may appear ſtrange, that the nation ſhould ſo long have worn this badge of conqueſt: But the king and nobility ſeem never to have become thoroughly Engliſh, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet ſtill, it was long before the uſe of the Engliſh tongue came into faſhion. The firſt Engliſh paper which we meet with in Rymer is in the year 1386, during the reign of Richard II [n]. There are Spaniſh papers in that collection of more ancient date [o]: And the uſe of the Latin and French ſtill continued.

[h] Anderſon, vol. i. p. 151. [i] Id. p. 177. [k] 37 Edw. III. cap. 8, 9, 10, &c. [l] 10 Edw. III. [m] 36 Edw. III. cap. 15.

[n] Rymer, vol. vii. p. 526. This paper, by the ſtyle, ſeems to have been drawn by the Scots, and was ſigned by the wardens of the marches only.

[o] Rymer, vol. vi. p. 554.

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CHAP. XVI.

1377.

We may judge of the ignorance of this age in geography, from a ſtory told by Robert of Aveſbury. Pope Clement VI. having, in 1344, created Lewis of Spain prince of *the fortunate Iſlands*, meaning the Canaries, then newly diſcovered; the Engliſh ambaſſador at Rome and his retinue were ſeized with an alarm, that Lewis had been created king of England; and they immediately hurried home, in order to convey this important intelligence. Yet ſuch was the ardour for ſtudy at this time, that Speed in his Chronicle informs us, there were then 30,000 ſtudents in the univerſity of Oxford alone. What was the occupation of all theſe young men? To learn very bad Latin, and ſtill worſe Logic.

In 1364, the commons petitioned, that, in conſideration of the preceding peſtilence, ſuch perſons as poſſeſſed manors holding of the king in chief, and had let different leaſes without obtaining licences, might continue to exerciſe the ſame power, till the country were become more populous [p]. The commons were ſenſible, that this ſecurity of poſſeſſion was a good means for rendering the kingdom proſperous and flouriſhing; yet durſt not apply, all at once, for a greater relaxation of their chains.

There is not a reign among thoſe of the ancient Engliſh monarchs, which deſerves more to be ſtudied than that of Edward III. nor one where the domeſtic tranſactions will better diſcover the true genius of that kind of mixed government, which was then eſtabliſhed in England. The ſtruggles, with regard to the validity and authority of the great charter, were now over: The king was acknowledged to lie under ſome limitations: Edward himſelf was a prince of great capacity, not governed by favourites, not led aſtray by any unruly paſſion, ſenſible that nothing could be more eſſential to his intereſts than

[p] Cotton, p. 97.

CHAP. XVI.

1377.

to keep on good terms with his people: Yet on the whole it appears, that the government, at beſt, was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undiſputed rights, which in practice were regularly obſerved. The king conducted himſelf by one ſet of principles; the barons by another; the commons by a third; the clergy by a fourth. All theſe ſyſtems of government were oppoſite and incompatible: Each of them prevailed in its turn, as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakneſs of a king gave reins to the ariſtocracy: A ſuperſtitious age ſaw the clergy triumphant: The people, for whom chiefly government was inſtituted, and who chiefly deſerve conſideration, were the weakeſt of the whole. But the commons, little obnoxious to any other order; though they ſunk under the violence of tempeſts, ſilently reared their head in more peaceable times; and while the ſtorm was brewing, were courted by all ſides, and thus received ſtill ſome acceſſion to their privileges, or, at worſt, ſome confirmation of them.

It has been an eſtabliſhed opinion, that gold coin was not ſtruck till this reign: But there has lately been found proof that it is as ancient as Henry III. [q]

q See Obſervations on the more ancient Statutes, p. 375. 2d edit.

NOTES

TO THE

SECOND VOLUME.

NOTE [A], p. 36.

MADOX, in his Baronia Anglica, cap. 14. tells us, That in the 30th of Henry II. thirty-three cows and two bulls coſt but eight pounds ſeven ſhillings, money of that age; 500 ſheep, twenty-two pounds ten ſhillings, or about ten pence three farthings per ſheep; ſixty-ſix oxen, eighteen pounds three ſhillings; fifteen breeding mares, two pounds twelve ſhillings and ſix-pence; and twenty-two hogs, one pound two ſhillings. Commodities ſeem then to have been about ten times cheaper than at preſent; all except the ſheep, probably on account of the value of the fleece. The ſame author in his Formulare Anglicanum, p. 17. ſays, That in the 10th year of Richard I. mention is made of ten per cent. paid for money: But the Jews frequently exacted much higher intereſt.

NOTE [B], p. 253.

RYMER, vol. ii. p. 216. 845. There cannot be the leaſt queſtion, that the homage uſually paid by the kings of Scotland was not for their crown, but for ſome other territory. The only queſtion remains, what that territory was? It was not always for the earldom of Huntingdon, nor the honour of Penryth; becauſe we find it ſometimes done at a time when theſe poſſeſſions were not in the hands of the kings of Scotland. It is probable, that the homage was performed in general terms without any particular ſpecification of territory; and this inaccuracy had proceeded either from ſome diſpute between the two kings about the territory and ſome oppoſite

claims, which were compromiſed by the general homage, or from the ſimplicity of the age, which employed few words in every tranſaction. To prove this we need but look into the letter of king Richard, where he reſigns the homage of Scotland, reſerving the uſual homage. His words are, *Sæpedictus W. Rex ligius homo noſter deveniat de omnibus terris de quibus anteceſſores ſui anteceſſorum noſtrorum ligii homines fuerunt, et nobis atque hæredibus noſtris fidelitatem jurarunt.* Rymer, vol. i. p. 65. Theſe general terms were probably copied from the uſual form of the homage itſelf.

It is no proof that the kings of Scotland poſſeſſed no lands or baronies in England, becauſe we cannot find them in the imperfect hiſtories and records of that age. For inſtance, it clearly appears from another paſſage of this very letter of Richard, that the Scottiſh king held lands both in the county of Huntingdon and elſewhere in England; though the earldom of Huntingdon itſelf was then in the perſon of his brother, David; and we know at preſent of no other baronies, which William held. It cannot be expected that we ſhould now be able to ſpecify all his fees which he either poſſeſſed or claimed in England; when it is probable that the two monarchs themſelves and their miniſters would at that very time have differed in the liſt: The Scotiſh king might poſſeſs ſome to which his right was diſputed; he might claim others, which he did not poſſeſs: And neither of the two kings was willing to reſign his pretenſions by a particular enumeration.

A late author of great induſtry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway, that is, all the territories of the country now called Scotland, lying ſouth of the Clyde and Forth. But to refute this pretenſion at once, we need only conſider, that if theſe territories were held in fee of the Engliſh kings, there would, by the nature of the feudal law, as eſtabliſhed in England, have been continual appeals from them to the courts of the lord Paramount; contrary to all the hiſtories and records of that age. We find, that, as ſoon as Edward really eſtabliſhed his ſuperiority, appeals immediately commenced from all parts of Scotland: And that king,

king, in his writ to the king's-bench, conſiders them as a neceſſary conſequence of the feudal tenure. Such large territories alſo would have ſupplied a conſiderable part of the Engliſh armies, which never could have eſcaped all the hiſtorians. Not to mention that there is not any inſtance of a Scotch priſoner of war being tried as a rebel, in the frequent hoſtilities between the kingdoms, where the Scotiſh armies were chiefly filled from the ſouthern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, moſt of the ſouth-weſt counties of Scotland; his notion, I ſay, reſts on ſo ſlight a foundation, that it ſcarcely merits being refuted. He will have it (and merely becauſe he will have it) that the Cumberland, yielded by king Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the caſe of Lothian deſerves ſome more conſideration.

It is certain, that in very ancient language, Scotland means only the country north of the friths of Clyde and Forth. I ſhall not make a parade of literature to prove it; becauſe I do not find that this point is diſputed by the Scots themſelves. The ſouthern country was divided into Galloway and Lothian; and the latter comprehended all the ſouth-eaſt counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the Engliſh hiſtories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the diſſolution of the heptarchy; and the northern and remote parts of it ſeem to have fallen into a kind of anarchy, ſometimes pillaged by the Danes, ſometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at laſt poſſeſſion of the country, which had ſcarcely any government; and we are told by Matthew of Weſtminſter, p. 193. that king Edgar made a grant of the territory to Kenneth III. that is, he reſigned claims, which he could not make effectual, without beſtowing on them more trouble and expence than they were worth: For theſe are the only grants of

provinces made by kings; and ſo ambitious and active a prince as Edgar would never have made preſents of any other kind. Tho' Matthew of Weſtminſter's authority may appear ſmall with regard to ſo remote a tranſaction; yet we may admit it in this caſe, becauſe Ordericus Vitalis, a good authority, tells us, p. 701. that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, becauſe Edgar made this ſpecies of grant to Kenneth, that therefore he exacted homage for that territory. Homage and all the rites of the feudal law were very little known among the Saxons; and we may alſo ſuppoſe, that the claim of Edgar was ſo antiquated and weak, that, in reſigning it, he made no very valuable conceſſion, and Kenneth might well refuſe to hold, by ſo precarious a tenure, a territory, which he at preſent held by the ſword. In ſhort, no author ſays, he did homage for it.

The only colour indeed of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of ſuperiority was heard of, ſays that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris*. See page 555. This word ſeems naturally to be interpreted Lothian. But, in the firſt place, Matthew Paris's teſtimony, though conſiderable, will not outweigh that of all the other hiſtorians, who ſay that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that hiſtorians ſhould differ in their account of the object of it, ſince, it is probable, the parties themſelves were not fully agreed. Thirdly, there is reaſon to think that *Laudianum* in Matthew Paris does not mean the Lothians, now in Scotland. There appears to have been a territory, which anciently bore that or a ſimilar name, in the north of England. For (1) The Saxon Chronicle, p. 197. ſays, that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all hiſtorians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Weſtmorland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the ſame country is called by other hiſtorians Loidis, comitatus Lodonenſis,

nenſis, or ſome ſuch name. See M. Paris, p. 68. M. Weſt. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This laſt mentioned author, when he ſpeaks of Lothian in Scotland, calls it Loheneis, p. 574. though he had called the Engliſh territory Loidis.

I thought this long note neceſſary in order to correct Mr. Carte's miſtake, an author whoſe diligence and induſtry has given light to many paſſages of the more ancient Engliſh hiſtory.

NOTE [C], p. 253.

RYMER, vol. ii. p. 543. It is remarkable that the Engliſh chancellor ſpoke to the Scotch parliament in the French tongue. This was alſo the language commonly made uſe of by all parties on that occaſion. Ibid. paſſim. Some of the moſt conſiderable among the Scotch, as well as almoſt all the Engliſh barons, were of French origin; they valued themſelves upon it; and pretended to deſpiſe the language and manners of the iſland. It is difficult to account for the ſettlement of ſo many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Fraſers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not ſupported there, as in England, by the power of the ſword. But the ſuperiority of the ſmalleſt civility and knowledge over total ignorance and barbariſm, is prodigious.

NOTE [D], p. 259.

SEE Rymer, vol. ii. p. 533. where Edward writes to the King's Bench to receive appeals from Scotland. He knew the practice to be new and unuſual; yet he eſtabliſhes it as an infallible conſequence of his ſuperiority. We learn alſo from the ſame collection, p. 603, that immediately upon receiving the homage, he changed the ſtyle of his addreſs to the Scotch king, whom he now calls *dilecto & fideli*, inſtead of *fratri dilecto & fideli*, the appellation which he had always before uſed to him; ſee p. 109. 124. 168. 280. 1064. This is a certain proof, that he himſelf was not deceived, as was ſcarcely indeed poſſible, but that he was conſcious of his uſurpation. Yet he ſolemnly ſwore afterwards to the juſtice of his pretenſions, when he defended them before pope Boniface.

NOTE

NOTE [E], p. 276.

THROUGHOUT the reign of Edw. I. the aſſent of the commons is not once expreſſed in any of the enacting clauſes; nor in the reigns enſuing, till the 9 Edw. III. nor in any of the enacting clauſes of 16 Rich. II. Nay even ſo low as Hen. VI. from the beginning till the 8th of his reign, the aſſent of the commons is not once expreſſed in any enacting clauſe. See preface to Ruffhead's edit. of the Statutes, p. 7. If it ſhould be aſſerted, that the commons had really given their aſſent to theſe ſtatutes, though they are not expreſsly mentioned; this very omiſſion, proceeding, if you will, from careleſſneſs, is a proof how little they were reſpected. The commons were ſo little accuſtomed to tranſact public buſineſs, that they had no ſpeaker, till after the parliament 6th Edw. III. See Prynne's preface to Cotton's abridg. Not till the firſt of Richard II. in the opinion of moſt antiquaries. The commons were very unwilling to meddle in any ſtate affairs, and commonly either referred themſelves to the lords, or deſired a ſelect committee of that houſe to aſſiſt them, as appears from Cotton. 5 E. III. n. 5; 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 10; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12; 5 R. II. n. 14; 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, &c.

NOTE [F], p. 277.

IT was very agreeable to the maxims of all the feudal governments, that every order of the ſtate ſhould give their conſent to the acts which more immediately concerned them; and as the notion of a political ſyſtem was not then ſo well underſtood, the other orders of the ſtate were often not conſulted on theſe occaſions. In this reign, even the merchants, though no public body, granted the king impoſitions on merchandize, becauſe the firſt payments came out of their pockets. They did the ſame in the reign of Edward III. but the commons had then obſerved that the people paid theſe duties, though the merchants advanced them; and they therefore remonſtrated againſt this practice. Cotton's abridg. p. 39. The taxes impoſed by the knights on the counties were always lighter than thoſe which the burgeſſes laid on the boroughs; a preſumption,

tion, that in voting thoſe taxes the knights and burgeſſes did not form the ſame houſe. See Chancellor Weſt's enquiry into the manner of creating peers, p. 8. But there are ſo many proofs, that thoſe two orders of repreſentatives were long ſeparate, that it is needleſs to inſiſt on them. Mr. Carte, who had carefully conſulted the rolls of parliament, affirms, that they never appear to have been united till the 16th of Edward III. See Hiſt. vol. ii. p. 451. But it is certain that this union was not even then final: In 1372, the burgeſſes acted by themſelves, and voted a tax after the knights were diſmiſſed. See Tyrrel, Hiſt. vol. iii. p. 734. from Rot. Clauſ. 46 Edw. III. n. 9. In 1376, they were the knights alone, who paſſed a vote for the removal of Alice Pierce from the king's perſon, if we may credit Walſingham, p. 189. There is an inſtance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by thoſe two branches of the lower houſe, naturally kept them ſeparate: But as their petitions had moſtly the ſame object, namely, the redreſs of grievances, and the ſupport of law and juſtice both againſt the crown and the barons, this cauſe as naturally united them, and was the reaſon why they at laſt joined in one houſe for the diſpatch of buſineſs. The barons had few petitions. Their privileges were of more ancient date: Grievances ſeldom affected them: They were themſelves the chief oppreſſors. In 1333, the knights by themſelves concurred with the biſhops and barons in adviſing the king to ſtay his journey into Ireland. Here was a petition which regarded a matter of ſtate, and was ſuppoſed to be above the capacity of the burgeſſes. The knights, therefore, acted apart in this petition. See Cotton, abridg. p. 13. Chief baron Gilbert thinks, that the reaſon why taxes always began with the commons or burgeſſes was, that they were limited by the inſtructions of their boroughs. See Hiſt. of the Exchequer, p. 37.

NOTE [G], p. 278.

THE chief argument from ancient authority, for the opinion that the repreſentatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans, firſt taken notice of by Selden, and then by

Peyt, Brady, Tyrrel, and others. In this petition, preſented to the parliament in the reign of Edward II. the town of St. Albans aſſerts, that though they held *in capite* of the crown, and owed only, for all other ſervice, their attendance in parliament, yet the ſheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predeceſſors, they had always ſent members. Now, ſay the defenders of this opinion, if the commencement of the houſe of commons were in Henry III.'s reign, this expreſſion could not have been uſed. But Madox, in his Hiſtory of the Exchequer, p. 522, 523, 524, has endeavoured, and with great reaſon, to deſtroy the authority of this petition for the purpoſe alleged. He aſſerts, firſt, that there was no ſuch tenure in England as that of holding by attendance in parliament, inſtead of all other ſervice. Secondly, That the borough of St. Albans never held of the crown at all, but was always demeſne land of the abbot. It is no wonder, therefore, that a petition which advances two falſehoods, ſhould contain one hiſtorical miſtake, which indeed amounts only to an inaccurate and exaggerated expreſſion; no ſtrange matter in ignorant Burgeſſes of that age. Accordingly St. Albans continued ſtill to belong to the abbot. It never held of the crown, till after the diſſolution of the monaſteries. But the aſſurance of theſe petitioners is remarkable. They wanted to ſhake off the authority of their abbot, and to hold of the king; but were unwilling to pay any ſervices even to the crown: Upon which they framed this idle petition, which later writers have made the foundation of ſo many inferences and concluſions. From the tenor of the petition it appears, that there was a cloſe connection between holding of the crown, and being repreſented in parliament: The latter had ſcarcely ever place without the former: Yet we learn from Tyrrel's Append. vol. iv. that there were ſome inſtances to the contrary. It is not improbable, that Edward followed the roll of the earl of Leiceſter, who had ſummoned, without diſtinction, all the conſiderable boroughs of the kingdom; among which there might be ſome few that did not hold of the crown. Edward alſo found it neceſſary to impoſe taxes on all the boroughs in the kingdom without diſtinction. This was a good expedient for augmenting his revenue. We

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are not to imagine, becauſe the houſe of commons have ſince become of great importance, that the firſt ſummoning of them would form any remarkable and ſtriking epoch, and be generally known to the people even ſeventy or eighty years after. So ignorant were the generality of men in that age, that country burgeſſes would readily imagine an innovation, ſeemingly ſo little material, to have exiſted from time immemorial, becauſe it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. ſay, that Ireland had, from the beginning of time, been ſubject to the crown of England. (See Brady.) And ſurely, if any thing intereſts the people above all others, it is war and conqueſts, with their dates and circumſtances.

NOTE [H], p. 443.

THIS ſtory of the ſix burgeſſes of Calais, like all other extraordinary ſtories, is ſomewhat to be ſuſpected; and ſo much the more as Aveſbury, p. 167, who is particular in his narration of the ſurrender of Calais, ſays nothing of it: and on the contrary extols in general the king's generoſity and lenity to the inhabitants. The numberleſs miſtakes of Froiſſard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his teſtimony, even though he was a contemporary, and though his hiſtory was dedicated to queen Philippa herſelf. It is a miſtake to imagine, that the patrons of dedications read the books, much leſs vouch for all the contents of them. It is not a ſlight teſtimony, that ſhould make us give credit to a ſtory ſo diſhonourable to Edward, eſpecially after that proof of his humanity, in allowing a free paſſage to all the women, children, and infirm people, at the beginning of the ſiege; at leaſt, it is ſcarcely to be believed, that, if the ſtory has any foundation, he ſeriouſly meant to execute his menaces againſt the ſix townſmen of Calais.

NOTE [I], p. 448.

THERE was a ſingular inſtance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A ſolemn duel of thirty knights againſt thirty was fought between Bembrough, an Engliſhman, and Beaumanoir, a Breton,

a Breton, of the party of Charles of Blois. The knights of the two nations came into the field; and before the combat bagan, Beaumanoir called out, that it would be ſeen that day *who had the faireſt miſtreſſes*. After a bloody combat the Bretons prevailed; and gained for their prize, full liberty to boaſt of their miſtreſſes beauty. It is remarkable, that two ſuch famous generals as Sir Robert Knolles, and Sir Hugh Calverley, drew their ſwords in this ridiculous conteſt. See Pere Daniel, vol. ii. p. 536, 537, &c. The women not only inſtigated the champions to thoſe rough, if not bloody frays of tournament; but alſo frequented the tournaments during all the reign of Edward, whoſe ſpirit of gallantry encouraged this practice. See Knyghton, p. 2597.

NOTE [K], p. 469.

THIS is a prodigious ſum, and probably near the half of what the king received from the parliament during the whole courſe of his reign. It muſt be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were ſaid to be near 30,000 ſacks of wool exported every year: A ſack of wool was at a medium ſold for five pounds. Upon theſe ſuppoſitions it would be eaſy to compute all the parliamentary grants, taking the liſt as they ſtand in Tyrrel, vol. iii. p. 780: Though ſomewhat muſt ſtill be left to conjecture. This king levied more money on his ſubjects than any of his predeceſſors; and the parliament frequently complain of the poverty of the people, and the oppreſſions under which they laboured. But it is to be remarked, that a third of the French king's ranſom was yet unpayed when war broke out anew between the two crowns: His ſon choſe rather to employ his money in combating the Engliſh, than in enriching them. See Rymer, vol. viii. p. 315.

END OF THE SECOND VOLUME.

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